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TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 9822

DISPOSAL OF CERTAIN FINNISH MERCHANT VESSELS TO THE FORMER OWNERS THEREOF

WHEREAS the United States Maritime Commission, by virtue of the authority vested in it by Executive Order No. 8771 of June 6, 1941, took over title to and possession of the M. S. SAIMAA, S. S. AAGOT, S. S. OLIVIA, S. S. ADVANCE, S. S. KUURTANES, and S. S. KOURA, foreign merchant vessels then owned by nationals of Finland and lying idle in waters within the jurisdiction of the United States; and

WHEREAS the Finnish Government has requested that the said vessels be immediately returned to their former owners when the United States shall no longer have need thereof; and

WHEREAS the United States no longer has need of the said vessels:

NOW, THEREFORE, by virtue of the authority vested in me by section 1 of the act of June 6, 1941, 55 Stat. 242, it is hereby ordered that the United States Maritime Commission, upon execution on behalf of the former owners of the said vessels, or their successors, of an agreement or agreements satisfactory to the Commission providing for offset of the fair and reasonable value of the said vessels at the time of their return from the compensation payable for their taking, is authorized and directed to convey and redeliver the said vessels immediately to the former owners thereof or their successors and to leave to later determination, pursuant to the said agreement or agreements and to the applicable provisions of law, all questions as to the compensation payable to the former owners or their successors by virtue of the said takings for title and as to the amount to be offset against such compensation on account of the fair and reasonable value of said vessels at the time of their return hereunder.

HARRY S. TRUMAN

THE WHITE HOUSE,
January 13, 1947.

[F. R. Doc. 47-344; Filed, Jan. 14, 1947; 10:06 a. m.]

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices)

PART 160—REGULATIONS FOR THE ENFORCEMENT OF THE NAVAL STORES ACT

FEES PAYABLE TO UNITED STATES FOR SAMPLING, INSPECTION AND GRADING OF NAVAL STORES AND RELATED COMMODITIES

Pursuant to the authority delegated to the Director of the Special Commodities Branch, Production and Marketing Administration, United States Department of Agriculture, under the Naval Stores Act (42 Stat. 1435; 7 U. S. C. 91–99) and the regulations promulgated thereunder (11 F. R. 14665) and under the Agricultural Marketing Act of 1946 (Title II, Public Law 733, 79th Congress), as provided in the statement of organization and functions of the United States Department of Agriculture (11 F. R. 177A–278, 279; 12 F. R. 64), and in order to implement said regulations, the following fees payable to the United States for inspection of naval stores and related commodities are hereby established.

§ 160.201 *Fees payable to United States for sampling, inspection and grading of naval stores and related commodities in the field*—(a) *Spirits of turpentine.*

(1) By inspectors employed by U. S. Department of Agriculture:	
Barrels or drums, each	$0.06
Minimum charge per lot	2.00
Tanks or tank cars, each	4.00
(2) By licensed inspectors at eligible processing plants:	
Barrels or drums, each	.02
Tank cars, each	2.00

(b) *Rosin.*

(1) By inspectors employed by U. S. Department of Agriculture:	
(i) At warehouse and storage yards located at inspector's official station headquarters:	
Grading and weighing, per drum	$0.07
Weighing only, for rosin previously certified under official certificate as to grade only, per drum	.03

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FEDERAL REGISTER

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NOTICE

General notices of proposed rule making, published pursuant to section 4 (a) of the Administrative Procedure Act (Pub. Law 404, 79th Cong.; 60 Stat. 238), which were carried under "Notices" prior to January 1, 1947, are now presented in a new section entitled "Proposed Rule Making". Relationship of these documents to material in the Code of Federal Regulations, formerly shown by cross reference under the appropriate Title, is now indicated by a bold-face citation in brackets at the head of each document.

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(1) By inspectors employed by U. S. Department of Agriculture—Con.
(ii) At stills and other points away from inspector's official station:

Grading only, up to 400 drums, per drum	$0.08
Next 200 drums, per drum	.04
All over 600 drums, per drum	.02
Up to 500 bags, per bag	.02
All over 500 bags, per bag	.01
Extra charge for weighing, per drum	.03

(iii) At processing plants, on call, grading by approved batch sampling procedure:

Per drum	.05
Per bag	.01

(2) By licensed inspector at eligible processing plant, grading by approved batch sampling procedure:

Per drum	.02
Per bag	.004
Per tank car	2.00

(3) For issuance of a loan and sale certificate for United States graded rosin:

Per drum	.01
Minimum charge per lot	1.00

(c) *Other naval stores and related commodities (by inspectors employed by U. S. Department of Agriculture).*

(1) Pinene, dipentene, pine oil, other terpene oils: Per drum	$0.06
(2) Pine tar, pine pitch, tarene, tall oil, B wood resin, other miscellaneous resins and naval stores: Per drum	.05

§ 160.202 *Fees payable to United States for laboratory analysis and testing*—(a) *Spirits of turpentine.*

(1) Comprehensive analysis and tests for purity, chemical and physical properties, specification compliance, etc.:	
Single sample	$12.00
Each additional sample	8.00
(2) Limited laboratory tests for kind, grade, or physical condition related to quality: Each sample	2.00

(b) *Rosin.* Since the scope and cost of rosin analysis varies widely with the purposes of the tests, the approximate charge must first be determined and the interested person advised thereof. The work will be undertaken only after his authority to proceed has been obtained.

(c) *Other naval stores and related commodities.*

Single sample	$10.00–$15.00
Two or more samples, one kind, each	$8.00–$10.00

(The cost of such analysis will depend on the amount of work involved in the tests indicated or required. The reduced charge will apply when multiple samples of one kind from the same source can be handled and tested simultaneously.)

§ 160.203 *Permit fees for eligible processing plants.*

Annual permit fee for each eligible processing plant at which licensed inspection of naval stores is authorized	$10.00

§ 160.204 *Limitation upon applicability of fees prescribed.* The fees specified in §§ 160.201 and 160.202 apply to the usual inspection and laboratory services. However, should unusual services be required or should services be requested by persons not regularly using the Department of Agriculture naval stores inspection service, and the fee basis charge not be sufficient to defray the cost to the Government of rendering the service, the charge may be computed on a time basis, plus any travel costs incurred by the Government, as provided in the regulations. Advance notice will be given, so far as it is practical to do so, when it appears that the time basis charge will apply.

Effective date. The fees specified herein for the inspection of naval stores under the Naval Stores Act shall become effective on and after January 26, 1947, and the fees specified herein for the inspection of other commodities shall become effective 30 days after publication of this notice.

NOTE: Inasmuch as determination of the cost of inspection service for naval stores and related commodities depends entirely upon facts within the knowledge of the Department of Agriculture, notice and public procedure on the establishment of fees equal to the cost of the service are deemed unnecessary under the Administrative Procedure Act, and inasmuch as the fees presently provided by regulations for inspections under the Naval Stores Act will cease to be in force on January 26, 1947, under an amendment to such regulations, good cause under the Administrative Procedure Act appears for the establishment of the foregoing fees relating to naval stores effective less than 30 days after publication.

(42 Stat. 1435; 7 U. S. C. 91–99)

Issued this 10th day of January 1947.

H. C. ALBIN,
Director, Special Commodities Branch, Production and Marketing Administration.

[F. R. Doc. 47-350; Filed, Jan. 14, 1947; 8:46 a. m.]

Chapter XXI—Organization, Functions and Procedure

Subchapter A—Office of the Secretary

PART 2205—LIBRARY

FIELD ORGANIZATION

Section 2205.2 *Field organization* (11 F. R. 177A-299) is amended by deleting the city of Little Rock, Arkansas, therein, and substituting in lieu thereof, New Orleans, Louisiana.

(R. S. 161; 5 U. S. C. 22)

[SEAL] N. E. DODD,
Acting Secretary of Agriculture.

JANUARY 8, 1947.

[F. R. Doc. 47-336; Filed, Jan. 14, 1947; 8:46 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Subtitle A—Organization, Functions and Procedures

PART 2—ORGANIZATION, FUNCTIONS AND PROCEDURES OF AGENCIES DEALING WITH THE PUBLIC

TRANSPORTATION CORPS

Pursuant to the provisions of section 3 (a) (1) and (2) of the Administrative Procedure Act of 11 June 1946, paragraph (b) of § 2.151, appearing at 11 FR 177A-792, is amended as follows:

1. Revise paragraphs (b) (2) and (b) (3) and change the headnotes of paragraphs (b) (4) and (b) (6) as follows:

§ 2.151 *The Transportation Corps.* * * *

(b) *Organization.* * * *

(2) *Assistant Chief of Transportation.* Assists the Chief of Transportation in formulating plans and policies, and directing their execution, with principal duties of general supervision of movements control; commercial traffic; water, highway, and railway transportation activities.

(3) *Executive.* Acts on matters which in his judgment do not require the personal attention of the Chief of Transportation; coordinates matters involving two or more groups; relieves the Chief of Transportation of administrative burdens.

(4) *Control Group.* * * *

* * * * *

(6) *Military Training Group.* * * *

2. Delete the headnotes of paragraphs (b) (7) and (b) (8) and combine entire text of paragraph (b) (8) under paragraph (b) (7), headnote now designated *"Personnel Group"*.

3. Insert new paragraph (b) (8) to read as follows:

(b) *Organization.* * * *

(8) *Movements Control Group.* Exercises staff supervision and control over movements of troops and other War Department passengers and all War Department owned and controlled freight and cargo, requiring coordination between various modes of transportation, to and from overseas theaters and within the Zone of the Interior.

4. Change the headnote of paragraph (b) (9) to read: *"Research and Development Group."*

5. Change the headnote of paragraph (b) (10) to read: *"Supply Group."*

6. Change the headnote of paragraph (b) (11) to read: *"Legal Group."*

7. Change the headnote of paragraph (b) (12) to read: *"Fiscal Group."*

8. Change the headnote of paragraph (b) (13) to read: *"Field Services Group."*

9. Revise paragraph (b) (14) to read as follows:

(b) *Organization.* * * *

(14) *Planning and Intelligence Group.* Initiates, coordinates, and prepares long-range transportation plans; prepares estimates and forecasts of transportation resources and requirements, and evaluates operational plans in the light of such resources and requirements; compiles, evaluates, and disseminates positive intelligence on foreign and domestic surface transportation systems; provides representation for the Chief of Transportation and coordinates the work of other divisions of the Office of the Chief of Transportation on committees and subcommittees of agencies of the Combined and Joint Chiefs of Staff; maintains liaison with transportation planners of the Navy and with other Government transportation planners as required; acts as Top Secret Control Officer for the Office of the Chief of Transportation; and exercises staff supervision over CIC activities at ports of embarkation.

10. Change the headnote of paragraph (b) (15) to read: *"Commercial Traffic Service Group".*

11. Change the headnote of paragraph (b) (16) to read: *"Water Transport Service Group".*

12. Change the headnote of paragraph (b) (17) to read: *"Highway Transport Service Group".*

13. Change the headnote of paragraph (b) (18) to read: *"Military Railway Service Group".*

14. Change the headnote of paragraph (b) (19) to read: *"Industrial Mobilization Planning Group".*

(R. S. 161; 5 U. S. C. 22)

[SEAL] EDWARD F. WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 47-329; Filed, Jan. 14, 1947; 8:49 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

[Amdt. 96]

PART 600—DESIGNATION OF CIVIL AIRWAYS

REDESIGNATION OF CIVIL AIRWAYS

It appearing that (1) The increased volume of air traffic at certain points necessitates, in the interest of safety in air commerce, the immediate establishment of control areas at such points;

(2) The immediate realignment of civil airways in certain areas is necessary to expedite traffic control in such areas; and

(3) The establishment of the control areas referred to in (1) above, and the realignment of civil airways referred to in (2) above, have been coordinated with the civil operators involved, the Army and the Navy through the Air Coordinating Committee, Airspace Subcommittee; and finding that: The general notice of proposed rule making and public procedure provided for in section 4 (a) of the Administrative Procedure Act is impracticable and unnecessary.

Now, therefore, acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend Part 600 of the regulations of the Administrator of Civil Aeronautics as follows:

Redesignation of Civil Airways: Green Civil Airways Nos. 2 and 5; Amber Civil Airway No. 2; Red Civil Airways Nos. 23, 33, 38, 45, 49, and 54; Blue Civil Airways Nos. 14, 18, and 20

1. By amending § 600.10001 to read as follows:

§ 600.10001 *Green civil airway No. 2 (Seattle, Washington, to Boston, Massachusetts).* From the King County Airport, Seattle, Washington, via the Seattle, Washington, radio range station; Ellensburg, Washington, radio range station; Ephrata, Washington, radio range station; Spokane, Washington, radio range station; Coeur D'Alene, Idaho, radio range station; Mullan Pass, Idaho, radio range station; Superior, Montana, radio range station; Missoula, Montana, radio range station; Drummond, Montana, radio range station; Helena, Montana, radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Helena, Montana, radio range and the northwest leg of the Bozeman, Montana, radio range; Bozeman, Montana, radio range station; the intersection of the center line of the on course signals of the southeast leg of the Bozeman, Montana radio range and the west leg of the Livingston, Montana, radio range; Livingston, Montana, radio marker station; Billings, Montana, radio range station; Custer Montana, radio range station; Miles City, Montana, radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Miles City, Montana, radio range and the west leg of the Dickinson, North Dakota, radio range; Dickinson, North Dakota, radio range station; Bismarck, North Dakota, radio range station; Fargo, North Dakota, radio range station; Alexandria, Minnesota, radio range station; Minneapolis, Minnesota, radio range station; La Crosse, Wisconsin, radio range station; Lone Rock, Wisconsin, radio range station; Madison, Wisconsin, radio range station; Milwaukee, Wisconsin, radio range station; Muskegon, Michigan, radio range station; Grand Rapids, Michigan, radio range station; Lansing, Michigan, radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Lansing, Michigan, radio range and the northwest leg of the Romulus, Michigan, radio range; and the Romulus, Michigan, radio range station to the intersection of the center line of the on course signal of the east leg of the Romulus, Michigan, radio range and the U. S.-Canadian Border. From the intersection of the center line of the on course signal of the east leg of the Clear Creek, Ontario, Canada, radio range and the U. S.-Canadian Border via the intersection of the center lines of the on course signals of the east leg of the Clear Creek, Ontario, Canada, radio range and the southwest leg of the Buffalo, New York, radio range; Buffalo, New York, radio range station; the intersection of the center lines of the on course signals of the east leg of the Buffalo, New York, radio range and the southwest leg of the Rochester, New York, radio range; Rochester, New York, radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Rochester, New York, radio range and the west leg of the Syracuse, New York, radio range; Syracuse, New York, radio range station; Utica, New York, radio range station; Albany, New York, radio range station; Westfield, Massachusetts, radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Westfield, Massachusetts, radio range and the southwest leg of the Boston, Massachusetts, radio range to the Boston, Massachusetts, radio range station.

2. By amending § 600.10004 *Green civil airway No. 5 (Los Angeles, California, to Washington, D. C.)* to read as follows:

§ 600.10004 *Green civil airway No. 5 (Los Angeles, California, to Boston, Massachusetts).* From the Los Angeles, California, radio range station via the Riverside, California, radio range station; the intersection of the center lines of the on course signals of the east leg of the Riverside, California, radio range and the west leg of the Blythe, California, radio range; Blythe, California, radio range station; Phoenix, Arizona, radio range station; the intersection of the center lines of the on course signals of the south leg of the Phoenix, Arizona, radio range and the northwest leg of the Tucson, Arizona, radio range; Tucson, Arizona, radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Tucson, Arizona, radio range and the west leg of the Cochise, New Mexico, radio range; Cochise, New Mexico, radio range station; Rodeo, New Mexico, radio range station; Columbus, New Mexico, radio range station; El Paso, Texas, radio range station; Salt Flat, Texas, radio range station; Wink, Texas, radio range station; Big Spring, Texas, radio range station; Abilene, Texas, radio range station; Fort Worth, Texas, radio range station; Texarkana, Arkansas, radio range station; Memphis, Tennessee, radio range station; Jacks Creek, Tennessee, radio range station; Nashville, Tennessee, radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Nashville, Tennessee, radio range and the northwest leg of the Smithville, Tennessee, radio range; Smithville, Tennessee, radio range station; the intersection of the center lines

of the on course signals of the east leg of the Smithville, Tennessee, radio range and the west leg of the Knoxville, Tennessee, radio range, excluding that portion which lies more than two miles north of the center line of the on course signal of the west leg of the Knoxville, Tennessee, radio range between the intersection of the center lines of the on course signals of the east leg of the Smithville, Tennessee, radio range and the west leg of the Knoxville, Tennessee, radio range and a point thirteen miles west of the Knoxville, Tennessee, radio range station; Knoxville, Tennessee, radio range station; Tri-City, Tennessee, radio range station; Pulaski, Virginia, radio range station; Roanoke, Virginia, radio range station; Gordonsville, Virginia, radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Gordonsville, Virginia, radio range and the south leg of the Washington, D. C., radio range; a point at latitude 38°41'50", longtitude 76°51'47"; the Millville, New Jersey, radio range station, the intersection of the center lines of the on course signals of the northeast leg of the Millville, New Jersey, radio range and the southwest leg of the Mitchel Field, New York (Army), radio range; the Mitchel Field, New York (Army), radio range station, the intersection of the center lines of the on course signals of the northeast leg of the Mitchel Field, New York (Army), radio range and the southwest leg of the Boston, Massachusetts, radio range to the Boston, Massachusetts (Logan) Airport.

3. By amending § 600.10101 to read as follows:

§ 600.10101 *Amber civil airway No. 2 (Long Beach, California, to Fairbanks, Alaska).* From the Long Beach, California, radio range station to the intersection of the center lines of the on course signals of the northeast leg of the Long Beach, California, radio range and the east leg of the Los Angeles, California, radio range. From the Daggett, California, radio range station via the Silver Lake, California, radio range station; Las Vegas, Nevada, radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Las Vegas, Nevada, radio range and the southwest leg of the Enterprise, Utah, radio range; Enterprise, Utah, radio range station; Milford, Utah, radio range station; Delta, Utah, radio range station; Fairfield, Utah, radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Fairfield, Utah, radio range and the south leg of the Salt Lake City, Utah, radio range; Salt Lake City, Utah, radio range station; Ogden, Utah, radio range station; Malad City, Idaho, radio range station; Pocatello, Idaho, radio range station; the Idaho Falls, Idaho, radio range station; DuBois, Idaho, radio range station; Dillon, Montana, radio range station; Whitehall, Montana, radio range station; Helena, Montana, radio range station; the intersection of the center lines of the on course signals of the north leg of the Helena, Montana, radio range and the southwest leg of the Great Falls, Montana, radio range; Great Falls, Montana, radio range station and the Cut Bank, Montana, radio range station to the intersection of the center line of the on course signal of the northwest leg of the Cut Bank, Montana, radio range and the U. S.-Canadian Border. From the intersection of the center line of the on course signal of the northwest leg of the Snag, Yukon Territory, radio range and the U. S.-Canadian Border via the Northway, Alaska, radio range station; the Tanacross, Alaska, radio range station; Big Delta, Alaska, radio range station and the intersection of the center lines of the on course signals of the northwest leg of the Big Delta, Alaska, radio range and the south leg of the Fairbanks, Alaska, radio range to the Fairbanks, Alaska, radio range station.

4. By amending § 600.10222 to read as follows:

§ 600.10222 *Red civil airway No. 23 (U. S.-Canadian border to New York, New York).* From the intersection of the center line of the on course signal of the southeast leg of the Toronto, Ontario, radio range and the U. S.-Canadian Border, via the intersection of the center lines of the on course signals of the southeast leg of the Toronto, Ontario, radio range and the northeast leg of the Buffalo, New York, radio range; the intersection of the center lines of the on course signals of the east leg of the Buffalo, New York, radio range and the northwest leg of the Elmira, New York, radio range, the Elmira, New York, radio range station; the New York, New York (LaGuardia Field), radio range station to the intersection of the center lines of the on course signals of the east leg of the New York, New York (LaGuardia), radio range and the northeast leg of the Mitchel Field, New York (Army), radio range.

5. By amending § 600.10232 *Red civil airway No. 33 (Baltimore, Maryland, to Boston, Massachusetts)* to read as follows:

§ 600.10232 *Red civil airway No. 33 (Gordonsville, Virginia, to Boston, Massachusetts).* From the Gordonsville, Virginia, radio range station via the Arcola, Virginia, radio range station; the intersection of the center line of the on course signals of the northeast leg of the Arcola, Virginia, radio range and the southwest leg of the Allentown, Pennsylvania, radio range; the Allentown Pennsylvania, radio range station to the Stewart Field, New York, radio range station. From the intersection of the center lines of the on course signals of the west leg of the Providence, Rhode Island, radio range and the southwest leg of the Boston, Massachusetts, radio range to the intersection of the center lines of the on course signals of the southeast leg of the Westfield, Massachusetts, radio range and the southwest leg of the Boston, Massachusetts, radio range.

6. By amending § 600.10237 (*Red civil airway No. 38 (Big Spring, Texas, to San Antonio, Texas)* to read as follows:

§ 600.10237 *Red civil airway No. 38 (Big Spring, Texas, to San Antonio, Texas).* From the intersection of the center lines of the on course signal of the southeast leg of the Big Spring, Texas, radio range and the southwest leg of the San Angelo, Texas, radio range via the San Angelo, Texas, radio range station to the intersection of the center lines of the on course signal of the southeast leg of the San Angelo, Texas, radio range and the southeast leg of the Big Spring, Texas, radio range.

7. By amending § 600.10244 *Red civil airway No. 45 (Washington, D. C., to Baltimore, Maryland)* to read as follows:

§ 600.10244 *Red civil airway No. 45 (Washington, D. C., to Allentown, Pennsylvania).* From the Washington, D. C., radio range station via a point located at 39°01' north latitude and 76°33'30" west longitude; the Baltimore, Maryland, radio range station to the intersection of the center line of the on course signals of the north leg of the Baltimore, Maryland, radio range and southwest leg of the Allentown, Pennsylvania, radio range.

8. By amending § 600.10248 *Red civil airway No. 49 (Burley, Idaho, to Fort Bridger, Wyoming)* to read as follows:

§ 600.10248 *Red civil airway No. 49 (Elko, Nevada, to Fort Bridger, Wyoming).* From the Elko, Nevada, radio range station via the Wendover, Utah, radio range station; the intersection of the center lines of the on course signals of the east leg of the Wendover, Utah, radio range and the west leg of the Salt Lake City, Utah, radio range; the Salt Lake City, Utah, radio range station; to the Fort Bridger, Wyoming, radio range station.

9. By amending § 600.10253 *Red civil airway No. 54 (Elko, Nevada, to Salt City, Utah)* to read as follows:

§ 600.10253 *Red civil airway No. 54 (Burley, Idaho, to Salt Lake City, Utah).* From the Burley, Idaho, radio range station to a point located at 40°56' north latitude and 112°16" west longitude.

10. By amending § 600.10313 *Blue civil airway No. 14 (Riverside, California, to Bakersfield, California)* to read as follows:

§ 600.10313 *Blue civil airway No. 14 (El Centro, California, to Bakersfield, California).* From the Mt. Laguna, California, non-directional radio marker beacon to the Oceanside, California, non-directional radio marker beacon. From the Riverside, California, radio range station via the intersection of the center lines of the on course signals of the northwest leg of the Riverside, California, radio range and the southeast leg of the Palmdale, California, radio range and the Palmdale, California, radio range station to the intersection of the center lines of the on course signals of the northwest leg of the Palmdale, California, radio range and the south leg of the Bakersfield, California, radio range.

11. By amending § 600.10317 *Blue civil airway No. 18 (Newark, New Jersey,*

to Burlington, Vermont) to read as follows:

§ 600.10317 *Blue civil airway No. 18 (Philadelphia, Pennsylvania, to Burlington, Vermont).* From the intersection of the center line of the on course signals of the northeast leg of the Philadelphia, Pennsylvania, radio range and the southwest leg of the Idlewild, New York, radio range via the Idlewild, New York, radio range station to the intersection of the center line of the on course signals of the northeast leg of the Idlewild, New York, radio range and the east leg of the New York, New York (LaGuardia), radio range. From the intersection of the center line of the on course signals of the northwest leg of the New York, New York (LaGuardia), radio range and the southwest leg of the New Hackensack, New York, radio range via the New Hackensack, New York, radio range station, excluding that portion which lies more than two miles west of the center line of the on course signals of the southwest leg of the New Hackensack, New York, radio range between a point 30 miles northeast from the intersection of the center line of the on course signals of the northwest leg of the New York, New York (LaGuardia), radio range and the southwest leg of the New Hackensack, New York, radio range and a point 10 miles south of the New Hackensack, New York, radio range; the Albany, New York, radio range station to the Burlington, Vermont, radio range station.

12. By amending § 600.10319 *Blue civil airway No. 20 (Philadelphia, Pennsylvania, to Allentown, Pennsylvania)* to read as follows:

§ 600.10319 *Blue civil airway No. 20 (Millville, New Jersey, to Allentown, Pennsylvania).* From the Millville, New Jersey, radio range station via the intersection of the center line of the on course signals of the northwest leg of the Millville, New Jersey, radio range and the southwest leg of the Philadelphia, Pennsylvania, radio range, the Philadelphia, Pennsylvania, radio range station to the Allentown, Pennsylvania, radio range station.

(Sec. 302, 52 Stat. 985; 54 Stat. 1233, 1235, 1236; 49 U. S. C. 452)

This amendment shall become effective 0001 e. s. t., January 15, 1947.

[SEAL] T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-342; Filed, Jan. 14, 1947; 8:47 a. m.]

[Amdt. 150]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, AIRPORT APPROACH ZONES, AIRPORT TRAFFIC ZONES AND RADIO FIXES

REDESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS AND RADIO FIXES

It appearing that: (1) The increased volume of air traffic at certain points necessitates, in the interest of safety in air commerce, the immediate establishment of control areas, including airport traffic zones and radio fixes, at such points;

(2) The immediate realignment of civil airways in certain areas is necessary to expedite traffic control in such areas; and

(3) The establishment of the control areas referred to in (1) above, and the realignment of civil airways referred to in (2) above, have been coordinated with the civil operators involved, the Army and the Navy through the Air Coordinating Committee, Airspace Subcommittee; and finding that: The general notice of proposed rule making and public procedure provided for in section 4 (a) of the Administrative Procedure Act is impracticable and unnecessary.

Now, therefore, acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation No. 197 (6 F. R. 6348) of the Civil Aeronautics Board, I hereby amend Part 601 of the regulations of the Administrator of Civil Aeronautics as follows:

Redesignation of Airway Traffic Control Areas: Green Civil Airway No. 5; Red Civil Airways Nos. 33, 45, 49, and 54; Blue Civil Airways Nos. 14, 18, and 20, Redesignation of Radio Fixes: Green Civil Airway No. 5; Amber Civil Airway No. 7; Red Civil Airways Nos. 33, 45, 49, and 54; Blue Civil Airways Nos. 14, 18, and 20

1. By amending § 601.1005 *Green civil airway No. 5, airway traffic control areas (Los Angeles, California, to Washington, D. C.)* to read as follows:

§ 601.1005 *Green civil airway No. 5 airway traffic control areas (Los Angeles, California, to Boston, Massachusetts).* All of Green civil airway No. 5.

2. By amending § 601.10233 *Red civil airway No. 33 airway traffic control areas (Baltimore, Maryland, to Boston, Massachusetts)* to read as follows:

§ 601.10233 *Red civil airway No. 33 airway traffic control areas (Gordonsville, Virginia, to Boston, Massachusetts).* All of Red civil airway No. 33.

3. By amending § 601.10245 *Red civil airway No. 45 airway traffic control areas (Washington, D. C., to Baltimore, Maryland)* to read as follows:

§ 601.10245 *Red civil airway No. 45 airway traffic control areas (Washington, D. C., to Allentown, Pennsylvania).* All of Red civil airway No. 45.

4. By amending § 601.10249 *Red civil airway No. 49 airway traffic control areas (Burley, Idaho, to Fort Bridger, Wyoming)* to read as follows:

§ 601.10249 *Red civil airway No. 49 airway traffic control areas (Elko, Nevada, to Fort Bridger, Wyoming).* All of Red civil airway No. 49.

5. By amending § 601.10254 *Red civil airway No. 54 airway traffic control areas (Timpie, Utah, to Salt Lake City, Utah)* to read as follows:

§ 601.10254 *Red civil airway No. 54 airway traffic control areas (Burley, Idaho, to Salt Lake City, Utah).* All of Red civil airway No. 54.

6. By amending § 601.10314 *Blue civil airway No. 14 airway traffic control areas (Riverside, California, to Bakersfield, California)* to read as follows:

§ 601.10314 *Blue civil airway No. 14 airway traffic control areas (El Centro, California, to Bakersfield, California).* All of Blue civil airway No. 14.

7. By amending § 601.10318 *Blue civil airway No. 18 airway traffic control areas (Newark, New Jersey, to Burlington, Vermont)* to read as follows:

§ 601.10318 *Blue civil airway No. 18 airway traffic control areas (Philadelphia, Pennsylvania, to Burlington, Vermont).* All of Blue civil airway No. 18.

8. By amending § 601.10320 *Blue civil airway No. 20 airway traffic control areas (Philadelphia, Pennsylvania, to Allentown, Pennsylvania)* to read as follows:

§ 601.10320 *Blue civil airway No. 20 airway traffic control areas (Millville, New Jersey, to Allentown, Pennsylvania).* All of Blue civil airway No. 20.

9. By amending § 601.4005 *Green civil airway No. 5 (Los Angeles, California, to Washington, D. C.)* to read as follows:

§ 601.4005 *Green civil airway No. 5 (Los Angeles, California, to Boston, Massachusetts).* Los Angeles, California, radio range station; Riverside, California, radio range station; Blythe, California, radio range station; Phoenix, Arizona, radio range station; Tucson, Arizona, radio range station; Rodeo, New Mexico, radio range station; Columbus, New Mexico, radio range station; the Harrington Ranch fan type radio marker station or the intersection of the center lines of the on course signals of the west leg of the El Paso, Texas, radio range and the south leg of the Engle, New Mexico, radio range; El Paso, Texas, radio range station; Salt Flat, Texas, radio range station; Wink, Texas, radio range station; Big Spring, Texas, radio range station; Abilene, Texas, radio range station; Fort Worth, Texas, radio range station; Texarkana, Arkansas, radio range station; Memphis, Tennessee, radio range station; Jacks Creek, Tennessee, radio range station; Nashville, Tennessee, radio range station; Smithville, Tennessee, radio range station; Knoxville, Tennessee, radio range station; Tri-City, Tennessee, radio range station; Pulaski, Virginia, radio range station; Roanoke, Virginia, radio range station; Gordonsville, Virginia, radio range station; Doncaster, Maryland, fan type radio marker station or the intersection of the center lines of the on course signals of the northeast leg of the Gordonsville, Virginia, radio range and the south leg of the Washington, D. C., radio range; Millville, New Jersey, radio range station.

10. By amending § 601.4017 *Amber civil airway No. 7 (Key West, Florida, to Caribou, Maine)*, to read as follows:

§ 601.4017 *Amber civil airway No. 7 (Key West, Florida, to Caribou, Maine).* Key West, Florida, radio range station; Miami, Florida, radio range station; Morrison Field, West Palm Beach, Florida, radio range station; Melbourne,

Florida, radio range station; Daytona Beach, Florida, radio range station; Savannah, Georgia, radio range station; Charleston, South Carolina, radio range station; Florence, South Carolina, radio range station; Raleigh, North Carolina, radio range station; Washington, D. C., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Washington, D. C., radio range and the west leg of the Baltimore, Maryland, radio range; Newark, New Jersey, radio range station.

11. By amending § 601.40233 *Red civil airway No. 33 (Baltimore, Maryland, to Boston, Massachusetts)* to read as follows:

§ 601.40233 *Red civil airway No. 33 (Gordonsville, Virginia, to Boston, Massachusetts).* Arcola, Virginia, radio range station.

12. By amending § 601.40245 *Red civil airway No. 45 (Washington, D. C., to Baltimore, Maryland)* to read as follows:

§ 601.40245 *Red civil airway No. 45 (Washington, D. C., to Allentown, Pennsylvania).* No radio fix designation.

13. By amending § 601.40249 *Red civil airway No. 49 (Burley, Idaho, to Fort Bridger, Wyoming)* to read as follows:

§ 601.40249 *Red civil airway No. 49 (Elko, Nevada, to Fort Bridger, Wyoming).* Wendover, Utah, radio range station.

14. By amending § 601.40254 *Red civil airway No. 54 (Timpie, Utah, to Salt Lake City, Utah)* to read as follows:

§ 601.40254 *Red civil airway No. 54 (Burley, Idaho, to Salt Lake City, Utah).* No radio fix designation.

15. By amending § 601.40314 *Blue civil airway No. 14 (Riverside, California, to Bakersfield, California)* to read as follows:

§ 601.40314 *Blue civil airway No. 14 (El Centro, California, to Bakersfield, California).* No radio fix designation.

16. By amending § 601.40318 *Blue civil airway No. 18 (Newark, New Jersey, to Burlington, Vermont)* to read as follows:

§ 601.40318 *Blue civil airway No. 18 (Philadelphia, Pennsylvania, to Burlington, Vermont).* No radio fix designation.

17. By amending § 601.40320 *Blue civil airway No. 20 (Philadelphia, Pennsylvania, to Allentown, Pennsylvania)*, to read as follows:

§ 601.40320 *Blue civil airway No. 20 (Millville, New Jersey, to Allentown, Pennsylvania).* No radio fix designation.

(Sec. 308, 52 Stat. 986, 54 Stat. 1233, 1235, 1236; 49 U. S. C. 458)

This amendment shall become effective 0001 e. s. t., January 15, 1947.

[SEAL] T. P. WRIGHT,
Administrator of Civil Aeronautics.

[F. R. Doc. 47-343; Filed, Jan. 14, 1947; 8:47 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

PART 60—FIELD SERVICE DISTRICTS AND OFFICERS

PART 110—PRIMARY INSPECTION AND DETENTION

TRANSFER OF JURISDICTION OVER ISLE ROYALE, MICH., FROM DETROIT DISTRICT TO CHICAGO DISTRICT

DECEMBER 18, 1946.

1. Section 60.1 *Field Districts,*[1] Chapter I, Title 8, Code of Federal Regulations, is hereby amended as follows:

a. The definition of District No. 8, with headquarters at Detroit, Michigan, is amended by changing the language preceding the first semicolon to read as follows: "Includes the State of Michigan, except Isle Royale, and the States of Indiana and Kentucky".

b. The definition of District No. 9, with headquarters at Chicago, Illinois, is amended by inserting after the first semicolon, the following: "Isle Royale, Michigan;".

2. Section 110.1, *Ports of entry for aliens,*[2] Chapter I, Title 8, Code of Federal Regulations, is amended by deleting "Isle Royale, Mich." from the list of Class A ports of entry in District No. 8 and by inserting "Isle Royale, Mich." between "Chicago, Ill." and "Baudette, Minn." in the list of Class A ports of entry in District No. 9.

The foregoing amendments are made in the interest of the internal management of the Government.

This order shall become effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 23, 39 Stat. 892; sec. 24, 43 Stat. 166; sec. 37 (a), 54 Stat. 675; 8 U. S. C. 102, 222, 458; sec. 1, Reorg. Plan No. V, 3 CFR, Cum. Supp., Ch. IV; 8 CFR, 1943 Supp., 90.1)

UGO CARUSI,
Commissioner of Immigration and Naturalization.

Approved: January 7, 1947.

TOM C. CLARK,
Attorney General.

[F. R. Doc. 47-332; Filed, Jan. 14, 1947; 8:47 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

PROSPECTUSES FOR EMPLOYEES' SAVINGS, PROFIT-SHARING OR PENSION PLANS

The Securities and Exchange Commission, acting pursuant to the Securities Act of 1933, particularly sections 7, 10, and 19 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the act hereby adopts § 230.882 (Rule 882). The Commission finds that § 230.882 (Rule 882) primarily embodies provisions presently contained in the Instruction Book for Form A-2 (17 CFR 239.2), that the adoption of such rule does not alter the substantive rights of any person and that notice and public procedure pursuant to section 4 (a) and (b) of the Administrative Procedure Act are unnecessary. § 230.882 (Rule 882) shall read as herein below set forth and shall become effective April 1, 1947:

§ 230.882 *Prospectuses for employees' savings, profit-sharing or pension plans.* (a) Any prospectus for shares of stock of an issuer in which funds of a savings, profit-sharing or pension plan for employees of the issuer are to be invested need contain only the information specified below if the prospectus is sent or given only to employees of the issuer who have previously received a prospectus for registered interests or participations in the plan and for registered shares of stock of the issuer and who have become members of the plan prior to receipt of the prospectus prepared in accordance with this rule:

(1) Such information (other than financial statements) in regard to the plan and the administration thereof and in regard to the issuer of the underlying stock and its subsidiaries as may be necessary to bring up to date the corresponding information furnished to members of the plan in previous prospectuses.

(2) Financial statements of the plan corresponding to those included in previous prospectuses for each fiscal year after the last fiscal year for which financial statements of the plan were furnished to members of the plan in previous prospectuses.

(3) Financial statements of the issuer of the underlying stock and its subsidiaries corresponding to those included in previous prospectuses for each fiscal year after the last fiscal year for which financial statements of the issuer and its subsidiaries were furnished to members of the plan in previous prospectuses.

(b) The financial statements specified in paragraph (a) of this section may be omitted from any prospectus used in the manner specified in that paragraph if:

(1) The fiscal year of the issuer of the underlying stock has ended within ninety days prior to the date when it is desired to distribute the prospectus to members of the plan.

(2) The prospectus contains, or is accompanied by, financial statements (which need not be certified) substantially meeting the requirements of paragraph (a) of this section.

(3) Within 120 days after the close of the fiscal year the financial statements omitted from the prospectus pursuant to this paragraph are made conveniently available to all members of the plan at their respective places of employment.

(4) There is set forth in conspicuous print on the first page of the prospectus a statement as to the manner in which and the approximate date on which the

[1] 9 F. R. 5367.
[2] 8 CFR, Cum. Supp., 110.1.

financial statements will be made available to members of the plan pursuant to subparagraph (3) of this paragraph. (Secs. 7, 10 and 19 (a), 48 Stat. 78, 81, 85; 15 U. S. C. 778, 77j, 77s)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JANUARY 8, 1947.

[F. R. Doc. 47-325; Filed, Jan. 14, 1947; 8:49 a. m.]

PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

MISCELLANEOUS AMENDMENTS

Amendment to Form S-1 (17 CFR 239.11) for registration of securities under the Securities Act of 1933; Rescission of Form A-1 (17 CFR 239.1) and Form A-2 (17 CFR 239.2).

1. The Securities and Exchange Commission, acting pursuant to the Securities Act of 1933, particularly sections 7, 10 and 19 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the act, hereby amends Form S-1 (17 CFR 239.11) to read as set forth in copies thereof dated January 15, 1947. Form S-1 (17 CFR 239.11) as so amended shall be effective April 1, 1947. However, as it appears that certain registrants may wish to use the amended form prior to that date, the Commission, acting pursuant to section 4 (c) of the Administrative Procedure Act, hereby declares that such form may, at the option of the registrant, be used for statements filed with the Commission on or after January 15, 1947.

2. The Securities and Exchange Commission, acting pursuant to the Securities Act of 1933, particularly sections 7, 10, and 19 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the act, hereby rescinds Form A-1 (17 CFR 239.1) and Form A-2 (17 CFR 239.2) and the Instruction Book for Form A-2 (17 CFR 239.2). The foregoing action shall be effective April 1, 1947. (Secs. 7, 10 and 19 (a), 48 Stat. 78, 81, 85; 15 U. S. C. 77g, 77j, 77s)

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

JANUARY 8, 1947.

[F. R. Doc. 47-324; Filed, Jan. 14, 1947; 8:49 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

PART 325—REGISTRATION AND CLAIMS FOR BENEFITS

METHOD OF REGISTRATION

Pursuant to the authority contained in section 12 of the act of June 25, 1938 (sec. 12, 52 Stat. 1107; 45 U. S. C. 362 (1)), § 325.12 (a) of the regulations of the Railroad Retirement Board under such act (5 F. R. 2111, 4815; 9 F. R. 3192) is amended, effective December 19, 1946, by Board Order 46-517 dated December 19, 1946, so that subparagraph (2) of the first proviso thereof shall read as follows:

§ 325.12 *Registration*—(a) *Method of registration.* * * *

(2) Benefits have already been payable to him for 130 days of unemployment: * * *

(Sec. 12, 52 Stat. 1107; 45 U. S. C. 362 (1))

Dated: January 7, 1947.

By authority of the Board.

[SEAL] MARY B. LINKINS, *Secretary of the Board.*

[F. R. Doc. 47-331; Filed, Jan. 14, 1947; 8:50 a. m.]

TITLE 29—LABOR

Chapter V—Wage and Hour Division, Department of Labor

PART 522—EMPLOYMENT OF LEARNERS

APPLICATIONS ON OFFICIAL FORMS

Pursuant to the authority vested in the Administrator by section 14 of the Fair Labor Standards Act of 1938, the second sentence of § 522.121 (29 C. F. R., Cum. Supp., 522.121) is amended to read as follows:

§ 522.121 *Applications on official forms.* * * * Such forms require to be set forth, among other things, a list of occupations in which learners are requested, the number of learners requested, the number of learners hired during the preceding 12 months, a list of occupations in which experienced workers are employed, the number employed, their average straight time hourly earning in cents per hour, and information concerning the type of machine to be used by learners.

Dated at Washington, D. C. this 8th day of January 1947.

(Sec. 14, 52 Stat. 1068, 29 U. S. C. 214)

L. METCALFE WALLING, *Administrator.*

[F. R. Doc. 47-334; Filed, Jan. 14, 1947; 8:48 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter II—National Guard and State Guard, War Department

PART 201—NATIONAL GUARD REGULATIONS

MISCELLANEOUS AMENDMENTS

1. Section 201.50 is hereby rescinded.

2. Amend § 201.20 by designating the text immediately following the headnote as paragraph (a), and by adding paragraph (b) as follows:

§ 201.20 *Age.* (a) The enlistment * * *

(b) Enlistments in the National Guard of persons over 35 years of age will be limited to those who have had active Federal service in the National Guard of the United States, Army, Navy, or Marine Corps, terminated by honorable discharge, *Provided,* Their total active Federal service equals or exceeds that shown in the following table:

Age:	*Minimum active Army service*
35 under 36	3 months.
36 under 37	1 year.
37 under 38	2 years.
38 under 39	3 years.
39 under 40	4 years.
40 and over	5 years.

[Sec. I, W. D. Cir. 367, 12 Dec. 1946] (48 Stat. 155; 32 U. S. C. 4)

[SEAL] EDWARD F. WITSELL, *Major General, The Adjutant General.*

[F. R. Doc. 47-328; Filed, Jan. 14, 1947; 8:49 a. m.]

Chapter IX—Office of Temporary Controls, Civilian Production Administration

AUTHORITY: Regulations in this chapter unless otherwise noted at the end of documents affected, issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236, 56 Stat. 177, 58 Stat. 827, and Public Laws 270 and 475, 79th Congress; Public Law 388, 79th Congress; E. O. 9024, 7 F. R. 329; E. O. 9040, 7 F. R. 527; E. O. 9125, 7 F. R. 2719; E. O. 9599, 10 F. R. 10155; E. O. 9638, 10 F. R. 12591; C. P. A. Reg. 1, Nov. 5, 1945, 10 F. R. 13714; Housing Expediter's Priorities Order 1, Aug. 27, 1946, 11 F. R. 9507; E. O. 9809, Dec. 12, 1946, 11 F. R. 14281; OTC Reg. 1, 11 F. R. 14311.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 13, Revocation of Direction 15]

SALE OF SOLDER, ANTIMONIAL LEAD DIE METAL, AND BATTERY LEAD SCRAP BY WAR ASSETS CORPORATION

Direction 15 to Priorities Regulation 13 is revoked. This revocation does not affect any liabilities incurred for violation of the Direction or of actions taken by the Civilian Production Administration under the Direction.

Issued this 14th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN, *Recording Secretary.*

[F. R. Doc. 47-439; Filed, Jan. 14, 1947; 11:23 a. m.]

PART 3290—TEXTILE, CLOTHING, AND LEATHER

[Supplementary Order M-317A, Revocation]

COTTON FABRIC DISTRIBUTION

Section 3290.116 *Supplementary Order M-317A* is revoked. This revocation does not affect any liabilities incurred for violation of the order or for violation of actions taken by the War Production Board or Civilian Production Administration under the order.

Any person who has obtained any cotton fabrics with a certificate provided for the former set-asides for cotton components for apparel, and for cotton components for men's suits, must still use or dispose of the fabrics, if possible, in accordance with the certificate which he has given. The set-asides for this purpose were contained in paragraph (f), and in column 8 of the Distribution Tables of the order.

Some of the rules formerly in this order are superseded by those now in Order M–328, as amended simultaneously with this revocation.

Issued this 14th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–438; Filed, Jan. 14, 1947; 11:23 a. m.]

PART 3290—TEXTILE, CLOTHING, AND LEATHER

[General Conservation Order M–317, Revocation]

COTTON TEXTILE DISTRIBUTION

Section 3290.115 *General Conservation Order M–317* is revoked. This revocation does not affect any liabilities incurred for violation of the order or for violation of actions taken by the War Production Board or Civilian Production Administration under the order.

Some of the rules formerly in this order are superseded by those now in Order M–328, as amended simultaneously with this revocation.

Issued this 14th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–443; Filed, Jan. 14, 1947; 11:24 a. m.]

PART 1010—SUSPENSION ORDERS

[Suspension Order S–1072]

HARVEY NELSON

Harvey Nelson, of Shelby, Michigan, on April 15, 1946, without authorization of the Civilian Production Administration, began and thereafter carried on construction of a structure on the west side of Highway US–31, one-quarter of a mile south of Shelby, Michigan, for use as a recreational establishment and barber shop. The beginning and carrying on of this construction at an estimated cost in excess of $1,000 constituted a violation of Veterans' Housing Program Order No. 1. This violation has diverted scarce materials to uses not authorized by the Civilian Production Administration. In view of the foregoing, it is hereby ordered that:

§ 1010.1072 *Suspension Order S–1072.* (a) Neither Harvey Nelson, his successors nor assigns, nor any other person shall do any further construction on the structure referred to above, located on the west side of Highway US–31, one-quarter of a mile south of Shelby, Michigan, including putting up, completing or altering the structure, unless hereafter authorized in writing by the Civilian Production Administration.

(b) Harvey Nelson shall refer to this order in any application or appeal which he may file with the Civilian Production Administration or the Federal Housing Administration for priorities assistance or for authorization to carry on construction.

(c) Nothing contained in this order shall be deemed to relieve Harvey Nelson, his successors or assigns, or any other person from any restriction, prohibition or provision contained in any other order or regulation of the Civilian Production Administration, except insofar as the same may be inconsistent with the provisions hereof.

Issued this 14th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–446; Filed, Jan. 14, 1947; 11:25 a. m.]

PART 3290—TEXTILE, CLOTHING, AND LEATHER

[Conservation Order M–317, Revocation of Direction 23]

DUCK FOR COTTON PICK SACKS

Direction 23 to Conservation Order M–317 is revoked. This revocation does not affect any liabilities incurred for violation of the direction or of actions taken by the Civilian Production Administration under the direction.

Any person who has obtained any flat duck with a certificate provided under this direction may now use and dispose of the fabric without regard to the provisions of the certificate or of the direction. Any duck obtained with a preference rating, however, must still be used or disposed of, if possible, for the purpose for which the rating was granted.

Issued this 14th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47–442; Filed, Jan. 14, 1947; 11:24 a. m.]

PART 3290—TEXTILE, CLOTHING AND LEATHER

[Conservation Order M–328, as Amended Jan. 14, 1947]

PROVISIONS APPLICABLE TO TEXTILES, CLOTHING AND RELATED PRODUCTS

The fulfillment of requirements for the defense of the United States has created shortages in the supplies of textiles, clothing, leather and related products for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 3290.118 *Conservation Order M–328.*—(a) *Definitions.* As used in this order: (1) The term "textile, clothing and related products" includes the following items:

(i) Animal bristles and hair.
(ii) Clothing, footwear (including safety shoes, hats, gloves, and all other outer or under garments or apparel, if made in whole or in part of leather or textile yarn, staple fiber, or fabrics). However, this does not include rubber footwear, professional rubber gloves, or the following items when such items are specifically designed and used to furnish protection against occupational hazards (other than weather):
Asbestos clothing.
Gauntlet type welders' leather gloves and mittens, and electricians' leather protector or cover gloves.
Metal mesh gloves, aprons and sleeves.
Other safety leather gloves or mittens, but only if steel-stitched or steel-reinforced.
Plastic and fiber safety helmets.
Safety belts and harnesses.
Safety clothing impregnated or coated for the purposes of making the same resistant against fire, acids or other chemicals or abrasives.
Safety industrial leather clothing other than gloves or mittens.
Safety industrial rubber gloves and hoods, and linemen's rubber gloves and sleeves.
(iii) Cotton, wool and synthetic yarns and blends of the foregoing.
(iv) Woven, felted, knitted and braided fabrics of cotton, wool or synthetic yarns and blends of the foregoing, including but not limited to:
Bedsheets.
Pillow cases.
Blankets.
Towels.
Diapers.
Face cloths.
Table "linens."
(v) Dyestuffs, which means organic coloring matter even though the matter itself appears colorless. The term does not include inorganic pigments extended or otherwise processed with resinates, with dispersing agents, or with other substantially colorless organic material.
(vi) The following metal shoe findings:
Arch supports.
Box toes and caps.
Heel rims and plates.
Heel washers.
Shoe shanks.
Toe rims and plates.
Steel wire shoe nails.
(vii) Hides, skins, furs and leather and products made primarily therefrom.
(viii) Manila, agave, istle, hemp (cannabis sativa), jute, coir yarn and other fibers, suitable for cordage (rope and twine), and cordage products made primarily therefrom.
(ix) Mops.
(x) Slide fasteners.
(xi) Sponges, marine and loofa.
(xii) Textile fibers (animal, vegetable, or synthetic, including curled istle) and products made primarily from textile fibers or textiles. This does not include fabrics after they have been coated or impregnated, fire hose, fire hose jackets, sisal processors' mill waste or sisal bagasse.
(xiii) Steel tacks (except thumb tacks).
(xiv) Synthetic rubber thread and products made therefrom.

(2) "Cotton fabric" means any fabric 12" or more in width woven or braided from cotton yarn which contains 50% or more by weight of cotton or cotton waste

or any combination of the two. The term includes not only fabrics in the grey and yarn dyed fabrics, original mill or regular finish, but also fabrics which have been bleached, Sanforized, dyed or printed; and includes shorts, seconds, remnants or mill ends. The term does not include blankets or blanketing containing 25% or more by weight of wool; or fabrics (other than blankets or blanketing) containing wool produced on the woolen or worsted system.

(3) "Producer," with respect to cotton fabrics, means any person who weaves for his own account, or has woven for his account, any cotton fabric in the forty-eight States or the District of Columbia. A person who weaves cotton fabric for the account of another is not a producer of that fabric for the purpose of this order.

(4) "Rayon fabrics" means any woven or knitted (both circular and warp) fabric, containing less than 25% wool by weight, but of which the remaining fibers are more than 50% of synthetic fiber (filament or spun yarn, or their blends) by weight. For example, a fabric containing 20% wool, 41% rayon, and 39% cotton is a rayon fabric. Except where otherwise indicated, it includes such fabrics, whether grey, original mill, or regular finish, bleached, dyed, printed, or otherwise processed as fabric.

(5) With respect to rayon fabrics, "producer" means any person who weaves or knits rayon fabrics from yarn owned by him, or who has rayon fabrics woven or knitted for his account from yarn owned by him, whether he delivers them in the grey, finished, or partially finished state. If a person supplies yarn to a weaver or knitter for processing on a basis under which a part of the fabric produced from that yarn is to be owned by the yarn supplier, and part by the weaver or knitter, the yarn supplier is the producer of that part of the fabric which he will get, and the weaver or knitter is the producer of the remainder. Where a person supplies yarn to a weaver or knitter in exchange for fabric not made from the yarn supplied, the weaver or knitter is the producer of all of the fabric made from the yarn which he gets in this way, as well as of any other fabric produced by him.

(6) "Finished goods supplier" means any person who finishes, or has finished for his account, rayon fabrics which he owns, whether he produces them in the grey, finished, or partially finished state.

(7) "Cotton textile" means any of the following:

(i) Cotton yarn containing 50% or more by weight of cotton or cotton waste or any combination of the two, spun on roving, ring, tube twister or converted twister spindles, or produced on the woolen system. The term includes grey, bleached, mercerized, colored, glazed or polished yarn, whether single, ply, twisted or braided and including thread, sash cord, rope, twine and cordage (for example, tying, sail or seine twine, and cotton tire cords, including cotton tire cord held together loosely or by one or more picks) or

(ii) Cotton fabric; or

(iii) The following cotton fabric products: Bedsheets, pillow cases, blankets, towels, diapers, face cloths, table "linens", and fish netting.

(b) *CPA may issue directions.* The Civilian Production Administration may issue published directions, or specific directions to individual producers or processors of textile, clothing and related products, with respect to the production, fabrication, processing or delivery of items to meet particular military or civilian requirements, and no person shall produce, fabricate, process, deliver or accept delivery contrary to these directions.

The general policy of CPA, however, will be not to issue further directions, published or unpublished, for the manufacture or distribution of textile, clothing, and related products.

These materials are no longer subject to price controls, and most of the former CPA controls over production and distribution have been eliminated. Military requirements were greatly reduced many months ago, and now represent a small part of total consumption. Supplies for industrial, commercial, agricultural and other civilian uses should now be obtainable by persons making adequate and timely efforts to fill their needs, from among the many sources of supply. Even when the most desirable materials may not be readily available, usable substitutes should be obtainable. Some further readjustments between sources of supply and purchasers may occur, but this readjustment might well be delayed, rather than avoided, by additional directions.

In general, therefore, directions will not be issued, unless an unforeseeable emergency should arise, such as that caused by fire, flood, or other disaster, and would clearly cause severe community or other hardship to a large number of people if such action by CPA is not taken.

(c) *Rating ceilings*—(1) *Producers.* No producer need accept or fill MM or CC rated orders which would cause him to deliver during any calendar quarter on such rated orders more of any cotton or rayon fabric than a quantity equal to the percentage, specified in the attached table, applied to a figure equal to his total production of that fabric during the previous calendar quarter (the term "any cotton or rayon fabric" refers to any group of fabrics having the same Item Number in the CPA–658 form indicated).

(2) *Rayon finished goods suppliers.* No finished goods supplier need accept or fill MM or CC rated orders which would cause him to deliver during any calendar quarter on such rated orders more of any rayon fabric than a quantity equal to the percentage, specified in the attached table, applied to a figure equal to his total deliveries of that fabric during the previous calendar quarter (the term "any rayon fabric" refers to any group of fabrics having the same Item Number in the CPA–658 form indicated).

(3) *General rating ceiling provisions.* The rating ceilings established in this order are separate for each fabric or group of fabrics having the same Item Number, and deliveries on rated orders in excess of one of these ceilings may not be charged against any of the other ceilings. Within the ceiling for the fabrics covered by any Item Number, MM rated orders must be accepted and filled in preference to undelivered orders with CC ratings, in accordance with Priorities Regulation 1, and all other rules of that regulation also apply.

(4) *Kinds of ratings affected.* Paragraphs (c) (1) and (c) (2) above refer to MM and CC rated orders. Orders rated AAA must be accepted and filled regardless of the rating ceiling.

(d) *Information required on rated orders for cotton textiles.* (1) Each person applying or extending a preference rating for any cotton textile shall add to his rating certificate a statement as to the source of the rating substantially as follows:

This rating has been assigned on Form CPA ------, Serial Number ---- (insert the CPA Form Number and Serial Number; or if the rating was not assigned on a CPA Form, state the source of the rating by specifying the military contract number).

(2) The above requirement does not apply to the United States Army, Navy, or Maritime Commission on their direct purchase orders.

(e) *Restriction on serving ratings on another producer*—(1) *Cotton yarn.* No producer of cotton yarn shall use any preference rating to obtain cotton yarn from another producer, except to the extent authorized by the Civilian Production Administration, upon his showing in writing that his own production is insufficient or unsuitable.

(2) *Cotton fabric.* No producer of cotton fabric shall use any preference rating to obtain cotton fabric from another producer, except to the extent authorized by the Civilian Production Administration, upon his showing in writing that his own production is insufficient or unsuitable.

(f) *Integrated operations.* Requisitions for intra-company deliveries of

fabrics from the producing mill shall be treated as if they were purchase orders, for the purposes of this order.

(g) *Applicability of regulations.* Except as otherwise provided in this order or any direction under it, this order and such direction and all transactions affected thereby are subject to all applicable regulations of the Civilian Production Administration.

(h) *Appeals.* (1) Any appeal from the provisions of this order or of any direction to it shall be made by filing a letter in triplicate, referring to the particular provision appealed from, and stating fully the grounds of the appeal.

(2) No direction or order relating to textile, clothing or related products (whether or not it refers to Order M–328) shall be deemed to require the furnishing of materials or facilities to the Civilian Production Administration. If a direction or order requires the furnishing of materials or facilities to a contracting agency or to its contractors, or the production of a specified amount of a material or product, or restricts all or part of a person's production or inventory to specified purposes, and if the person affected cannot get firm orders to cover the materials, facilities, production or inventory involved, he may appeal, and the Civilian Production Administration will grant appropriate relief.

(i) *Reports.* Producers of cotton textiles and rayon fabrics shall file reports on Forms CPA–658A, 658B, 658C, and 658E, in accordance with the instructions on those forms. Producers of woven fabrics made on woolen and worsted looms, felt and hat bodies, shall file reports on Form CPA–1420, in accordance with the instructions on that form. These reporting requirements have been approved by the Bureau of the Budget under the Federal Reports Act of 1942.

(j) *Records.* Each person participating in any transaction to which this order applies shall keep and preserve for at least two years accurate and complete records of the details of each such transaction and his inventories of the material involved, in accordance with § 944.15 of Priorities Regulation 1.

(k) *Violations and false statements.* Any person who wilfully violates any provision of this order, or any direction under it, or who in connection with this order, or any such direction, wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using material under priority control and may be deprived of priorities assistance.

(l) *Communications.* All reports to be filed hereunder and communications concerning this order or any direction under it shall, unless otherwise directed, be addressed to the Civilian Production Administration, Textile Division, Washington 25, D. C., Ref. M–328.

Issued this 14th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

RATING CEILING TABLE

Item numbers—Cotton fabrics

	Ceiling percentage for MM and CC ratings
Fine cotton goods:	
1, 2, 7, 11–29, 32, 35, 37–39, 42, 47–51 on Form CPA–658C; and 43, 45, 157–159 on Form CPA–658B	5
3–6 on Form CPA–658C	20
33–34 on Form CPA–658C	100
36 on Form CPA–658C	93
All other combed, part combed and fine carded fabrics not elsewhere specified above under the heading "Fine Cotton Goods"	10
Carded grey goods:	
5–12 on Form CPA–658A	5
1–8, 14–17, 19, 21–23, 25, 26, 28, 30–33, 34, 35, 37–39, 40, 42, 55, 63, 64, 66, 73, 75, 102, 110, 122, 123, 128, 131, on Form CPA–658B	2
12, 13, 18, 20, 24, 28, 29, 41, 43, 44–47, 49, 50–54, 56, 59–62, 65, 67, 68, 69, 72, 74, 77, 78, 79, 81, 82, 88–92, 97–101, 103–109, 111–121, 129–130, 133–139, 142, 143, 151–156, 162, on Form CPA–658B	5
71, on Form CPA–658B	8
76, on Form CPA–658B	6
80, on Form CPA–658B	50
83, 84, 124–126, 161, on CPA–658B	10
146–148, on Form CPA–658B	7
All other carded cotton woven fabrics reported on Form CPA–658A or B not elsewhere specified above under the heading "Carded Grey Goods"	10
Rayon fabrics: Form CPA–658C (12–19–46) item number and fabric.	
Pile, upholstery, and tie fabrics (50 percent or more rayon):	
52—Velvets, plushes, and other pile fabrics	½
53—Upholstery, drapery and tapestry fabrics	½
54—Tie fabrics (shaft and jacquard), yarn dyed	½
55—Tie fabrics (shaft and jacquard), non yarn dyed	
100% filament rayon fabrics—flat fabrics (producers' twist in warp and filling):	
56—Bright Viscose taffetas (including semidull)	2½
57—Pigment viscose taffetas	2½
58—Acetate taffetas	2½
59—Cross-dyed taffetas	5
60—Jersey weaves	5
61—Sharkskins	5
62—Twills and serges, 88 to 140 sley	[1] 5
63—All other twills and serges	5
64—Viscose satins	2½
65—Acetate satins	2½
66—All other flat fabrics	5

RATING CEILING TABLE—Continued

Item numbers—Cotton fabrics—Continued

	Ceiling percentage for MM and CC ratings
100% filament rayon fabrics twisted yarn fabrics (more than producers' twist in warp and/or filling):	
67—Crepe satins (including voile filled)	2½
68—Flat, faille and canton crepes	2½
69—French crepes (voile twist filling)	2½
70—Plied yarn fabrics—plain weaves	5
71—Plied yarn fabrics—fancy weaves	5
72—Marquisettes (leno weave)	1
73—Ninons and voiles (voile twist warp and filling)	1
74—Other sheers (georgettes, triple sheers, etc.)	5
75—All other twisted yarn fabrics	5
100% spun rayon fabrics:	
76—Twills (including serges, gabardines, etc.)	5
77—Ribbed and corded fabrics (poplin, Bedford cord, etc.)	5
78—Challis	5
79—Linen type and flakes	5
80—Plied yarn fabrics (suitings, shirting, etc.)	2½
81—Other 100% spun rayon fabrics	5
Filament and spun rayon fabrics:	
82—Ribbed and corded fabrics (poplins, failles, beng, etc.)	5
83—Shantungs (nub and slub)	5
84—Fujis	5
85—Other filament and spun rayon fabrics	5
Rayon mixtures and blends with fibers—rayon and wool:	
86—Less than 25% wool (51% or more rayon).	
87–92—25% or more wool (other than blankets).	
93A—Filament rayon and cotton other than twills and serges, 88 to 140 sley	5
93B—Twills and serges, 88 to 140 sley, incl	[1] 3
51% or more rayon with fibers other than wool:	
94—Spun rayon and cotton	5
95—Rayon and other fibers	5

[1] Rayon twills and serges, 88 to 140 sley, inclusive, are listed above as Item No. 62 if made entirely of rayon, and as Item No. 93B if made with rayon warp and cotton filling.

LIST OF DIRECTIONS TO ORDER M–328 AS OF JANUARY 14, 1947

All published directions to Order M–328, issued before January 14, 1947, have been revoked, except those listed below.

Direction 31. Cotton and rayon fabrics for processing in Puerto Rico, first and second calendar quarters, 1946.

Direction 32. Cotton and rayon fabrics for processing in Puerto Rico.

[F. R. Doc. 47–441; Filed, Jan. 14, 1947; 11:24 a. m.]

PART 3290—TEXTILE, CLOTHING, AND LEATHER

[Conservation Order M-328, Revocation of Direction 27]

SEQUENCE OF FILLING RATED EXPORT ORDERS

Direction 27 to Order M-328 is revoked. This revocation does not affect any liabilities incurred for violation of the direction or of actions taken by the War Production Board or Civilian Production Administration under the direction.

Issued this 14th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-440; Filed, Jan. 14, 1947; 11:23 a. m.]

PART 3290—TEXTILE, CLOTHING, AND LEATHER

[Conservation Order M-391, Revocation]

RAYON FABRICS

Section 3290.366 *Conservation Order M-391* is revoked. This revocation does not affect any liabilities incurred for violation of the order or of actions taken by the Civilian Production Administration under the order.

Some of the rules formerly in this order are superseded by those now in Order M-328, as amended simultaneously with this revocation.

Issued this 14th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-445; Filed, Jan. 14, 1947; 11:25 a. m.]

PART 3290—TEXTILE, CLOTHING, AND LEATHER

[Conservation Order M-391, Revocation of Direction 2]

RAYON LINING FABRICS FOR MEN'S WEAR

Direction 2 to Order M-391 is revoked. This revocation does not affect any liabilities incurred for violation of the direction or of actions taken by the Civilian Production Administration under the direction.

Any person who has obtained any rayon lining fabrics with a certificate provided for under this direction, however, must still use or dispose of it, if possible, in accordance with the certificate which he has given.

Issued this 14th day of January 1947.

CIVILIAN PRODUCTION ADMINISTRATION,
By J. JOSEPH WHELAN,
Recording Secretary.

[F. R. Doc. 47-444; Filed, Jan. 14, 1947; 11:24 a. m.]

Chapter XI—Office of Temporary Controls, Office of Price Administration

PART 1300—PROCEDURE

[2d Rev. Procedural Reg. 4,[1] Amdt. 1]

PROCEDURE FOR ISSUANCE OF RATIONING AND PRIORITIES SUSPENSION ORDERS AND DETERMINATIONS OF VIOLATIONS

Second Revised Procedural Regulation 4 is amended in the following respects:

1. The statement of authority is amended by substituting a semicolon for the period at the end thereof and adding the following: "56 Stat. 23, as amended; 56 Stat. 767, as amended; E. O. 9250, 7 F. R. 7871; E. O. 9328, 8 F. R. 4681; E. O. 9809, 11 F. R. 14281; O. E. S. Dir. No. 41, as amended, 10 F. R. 10031."

2. The text of § 1300.151 (a) is amended to read as follows:

§ 1300.151 *Scope of regulation.* (a) This regulation governs suspension proceedings and determination proceedings of the Office of Price Administration. A suspension proceeding is a proceeding instituted to determine whether a rationing suspension order or a priorities suspension order should be issued. A determination proceeding is a proceeding instituted to ascertain whether there has been a violation of a rationing regulation or order, or of a meat or livestock price regulation or order.

3. The text of § 1300.153 (c) is amended to read as follows:

(c) A copy of Second Revised Procedural Regulation 4 and any amendments thereof shall be attached to the notice of hearing served upon any respondent.

4. The text of § 1300.166 (a) is amended to read as follows:

§ 1300.166 *Suspension order or determination of Hearing Commissioner.* (a) If the Hearing Commissioner finds in a rationing suspension proceeding that a respondent has violated a rationing regulation or order, he may issue a rationing suspension order. If the Hearing Commissioner finds in a priorities suspension proceeding that a respondent has violated any regulation, order or directive implementing or in furtherance of the Veterans' Emergency Housing program, the enforcement of which has been delegated to the Office of Price Administration, he may issue a priorities suspension order. If the Hearing Commissioner finds in a determination proceeding that a respondent has violated a rationing regulation or order, or a meat or livestock price regulation or order, he may issue a determination of violation.

5. Section 1300.184 is amended by adding the following paragraph (h):

(h) "Meat or livestock price regulation or order" means any regulation or order of the Office of Price Administration issued pursuant to the Emergency Price Control Act of 1942, as amended, pertaining to the purchase and/or slaughter of livestock.

This amendment shall become effective January 14, 1947.

Issued this 14th day of January 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 47-453; Filed, Jan. 14, 1947; 11:38 a. m.]

[1] 11 F. R. 14014.

PART 1300—PROCEDURE

[Procedural Reg. 17,[1] Amdt. 1]

PROCEDURES FOR STATUTORY DECONTROL

Procedural Regulation 17 is amended in the following respects:

1. Section 1300.751 (a) is amended by deleting therefrom all that part of said section beginning with the second sentence thereof.

2. Section 1300.751 (d) is amended to read as follows:

(d) Communications with respect to decontrol may be addressed to the Secretary, Office of Price Administration, Office of Temporary Controls, Washington 25, D. C.

3. The first sentence of the second undesignated paragraph of Article II is amended to read as follows: "This article has general and special provisions relating to all petitions filed under subsection (d) of section 1A of the Emergency Price Control Act of 1942, as amended."

4. The third undesignated paragraph of Article II is deleted.

5. Section 1300.752 (h) is amended by changing the first sentence thereof to read as follows: "Each petition must contain a statement that in the judgment of the committee either (1) the supply of the commodity exceeds or is in approximate balance with the demand therefor (including appropriate inventory requirements), or (2) the commodity is not important in relation to business costs or living costs."

6. Section 1300.754 is amended to read as follows:

§ 1300.754 *Filing petitions.* Each petition must be filed in an original and 4 copies with the Secretary, Office of Price Administration, Office of Temporary Controls, Washington 25, D. C.

7. Section 1300.755 is amended to read as follows:

§ 1300.755 *Form and contents of petitions based on non-importance of commodity.* Any petition requesting decontrol on the basis of the non-importance of the commodity must contain analyses and written evidence directed to a showing that the commodity is not important in relation to either business costs or living costs.

8. Section 1300.756 is amended by changing the first sentence thereof to read as follows: "Any petition requesting decontrol of a commodity on the basis that the supply thereof exceeds or is in approximate balance with the demand therefor (including appropriate inven-

[1] 11 F. R. 9345.

tory requirements) must contain analyses and written evidence directed to a showing that supply of the commodity equals or exceeds requirements for the current marketing season."

9. In the first sentence of § 1300.757 the word "Price" is deleted.

10. Section 1300.760 (d) is amended to read as follows:

(d) The request must be filed in an original and 4 copies with the Secretary, Office of Price Administration, Office of Temporary Controls, Washington 25, D. C.

11. Section 1300.762 is amended to read as follows:

§ 1300.762 *Evidence on behalf of the Consumers Advisory Committee and the Labor Advisory Committee.* The Consumers Advisory Committee and the Labor Advisory Committee may present written evidence relating to the petition. Such written evidence must be in original and 4 copies in the form provided in § 1300.752 of this regulation (for written evidence accompanying the petition) and must be filed with the Secretary, Office of Price Administration, Office of Temporary Controls, not less than 5 days prior to the date of the hearing.

12. Section 1300.763 is amended by changing the last paragraph thereof to read as follows: "Briefs or written arguments may be filed at the time of the hearing in substitution for or in addition to oral arguments, filed in original and 4 copies with the Secretary, Office of Price Administration, Office of Temporary Controls, Washington 25, D. C."

13. In the last sentence of § 1300.766 the words "Secretary, Office of Price Administration, Office of Temporary Controls, Washington 25, D. C." are substituted for the words "Decontrol Division."

14. In the second sentence of § 1300.767, the words "Office of the Secretary, Office of Price Administration, Office of Temporary Controls, Washington 25, D. C." are substituted for the words "Decontrol Division."

15. Section 1300.769 is deleted.

16. In the first sentence of § 1300.770 the words "Secretary, Office of Price Administration, Office of Temporary Controls, Washington 25, D. C." are substituted for the words "Decontrol Division."

17. In the 5th sentence of § 1300.772 the words "Secretary, Office of Price Administration, Office of Temporary Controls, Washington 25, D. C." are substituted for the words "Decontrol Division."

This amendment shall become effective January 14, 1947.

NOTE: All reporting provisions of this amendment have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Issued this 14th day of January 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

[F. R. Doc. 47-454; Filed, Jan. 14, 1947; 11:39 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing,[1] Amdt. 109 (§ 1388.1181)]

HOUSING

The rent regulation for housing is amended in the following respects:

1. Section 1 (b) (3) is amended to read as follows:

(3) *Rooms in hotels, rooming houses and motor courts.* All accommodations in transient hotels, and all rooms in residential hotels, rooming houses and motor courts, or housing accommodations which have been, with the consent of the Administrator, brought under the control of the rent regulation for transient hotels, residential hotels, rooming houses and motor courts pursuant to the provisions of that regulation.

2. Section 1 (b) (7) is amended to read as follows:

(7) *Structures in which individual rooms are exempt.* Entire structures or premises in which all of the individual housing accommodations rented or offered for rent are exempt under section 1 (b) (6) of this regulation or section 1 (b) (7) of the rent regulation for transient hotels, residential hotels, rooming houses and motor courts.

3. The third unnumbered paragraph of section 5 is amended by adding (a) (15) after (a) (14).

4. The unnumbered paragraphs of section 5 are amended by adding the following paragraph.

In cases under paragraph (a) (15) of this section the adjustment shall be the amount of the rent increase granted by the appropriate agency of the United States.

5. Section 5 (a) is amended by adding paragraph (15).

(15) The maximum rent was established under section 4 (f) and prior to final completion of all units included in a single priority application, but subsequent to the first renting of said accommodations, the landlord made a written request to the appropriate agency of the United States to approve a higher rent than the rent initially approved because of increased costs of construction, and a higher rent was approved by such agency.

6. Section 13 (a) (11) is amended to read as follows:

(11) "Transient hotels" means an establishment which (a) is customarily known as a hotel in the community, (b) contains more than twenty-five rooms, (c) provides services customarily supplied by transient hotels, and (d) had less than 50% of its accommodations occupied by permanent guests (on monthly or weekly basis) during the quota month (under the rent regulation for transient hotels, residential hotels, rooming houses and motor courts) or, if the establishment was not in operation during the quota month, during the month of June 1946.

[1] 11 F. R. 12055, 13028, 13309, 14013.

7. Section 13 (a) (12) is amended to read as follows:

(12) "Rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel or motor court in which a furnished room or rooms not constituting an apartment are rented on a short term basis of daily, weekly or monthly occupancy to more than two paying tenants, not members of the landlord's immediate family. The term includes boarding houses, dormitories, trailers, residence clubs and all other establishments of a similar nature.

8. Section 13 (a) shall be amended by adding the following two paragraphs:

(13) "Residential hotel" means an establishment which (a) is customarily known as a hotel in the community, (b) contains more than twenty-five rooms, (c) provides services customarily supplied by residential hotels, and (d) had 50% or more of its accommodations occupied by permanent guests (on monthly or weekly basis) during the quota month (as defined in the rent regulation for transient hotels, residential hotels, rooming houses and motor courts), or if the establishment was not in operation during the quota month, during the month of June 1946.

(14) "Motor court" means an establishment renting rooms, cottages or cabins; supplying parking or storage facilities for motor vehicles in connection with such renting and other services and facilities customarily supplied by such establishments; and commonly known as a motor, auto or tourist court in the community.

This amendment shall become effective January 15, 1947.

Issued this 14th day of January 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Statement to Accompany Amendment 109 to the Rent Regulation for Housing; Amendment 33 to the Rent Regulation for Housing in the New York City Defense-Rental Area, Amendment 25 to the Rent Regulation for Housing in the Atlantic County Defense-Rental Area and Amendment 29 to the Rent Regulation for Housing in the Miami Defense-Rental Area

The amendment to section 1 (b) (3) is purely formal and was necessitated by amendment 97 to the hotel regulations which changed the title of that regulation to the Rent Regulation for Transient Hotels, Residental Hotels, Rooming Houses and Motor Courts and provided for the classification of establishments which are subject to the regulation.

Section 1 (b) (7) was amended to correct an error in the wording of amendment 108. This section as amended refers to "individual housing accommodations" rather than "individual rooms."

Section 5 (a) (15) is added to the Housing Regulation to provide that a landlord may obtain increases in maximum rents established under section 4 (f) (housing built with priority assistance) when prior to final completion of

all units included in a single priority application, but subsequent to the first renting of some of the accommodations, the landlord made a written request to the appropriate agency to approve higher rents because of increased costs of construction, and such agency approved higher rents.

The rent regulations provide generally that, in establishing maximum rents for newly constructed housing accommodations, due consideration shall be given to increased costs of construction since the maximum rent date or, in the case of construction initiated after November 23, 1945, since 1939. Where accommodations are constructed with priority rating the rent regulations establish the maximum rent in general at the amount approved prior to initial renting by the agency which grants priority rating. Under the regulations of that agency, now the National Housing Agency, a builder incurring increased construction costs may, prior to completion of all the units covered by a single priority application, apply for approval of a rent higher than the rent initially approved because of such increased construction costs. Section 4 (f) of the housing regulation provides that where the landlord prior to the initial renting of priority housing makes a written request of the appropriate agency for a higher rent than initially approved by such agency, the maximum rent is the higher rent approved.

It has come to the attention of the Administrator that, in some instances, a builder of priority housing has made a written request of the National Housing Agency for approval of a higher rent because of increased construction costs, after renting some of the units included in a single priority application but prior to the completion of all of such units. Prior to this amendment the builder in the circumstances outlined above, could not obtain a higher maximum rent for the unit which had been rented even though the National Housing Agency approved a higher rent.

The Administrator has concluded that it is appropriate to give relief in such cases where the builder has a higher rent approved because of increased construction costs, but the maximum rent had been fixed on some units at the amount for which they were first rented and which did not take such increased costs into consideration. It is to the public interest to have such units rented upon completion without the necessity of the builder waiting until construction of the project as a whole is virtually complete and he is able to ascertain his total costs with sufficient accuracy to determine whether an application for a higher rent schedule to the agency granting the priority is justified.

The unnumbered paragraphs of section 5 are amended by an additional paragraph providing that in cases under paragraph (a) (15) of section 5 the rent adjustment shall be the amount of the rent increase granted by the appropriate agency.

Section 13 (a) (11), 13 (a) (12) are amended to provide uniformity in the definitions of "transient hotel" and "rooming house" respectively, as contained in the housing and hotel regulations.

Section 13 (a) is further amended by adding paragraphs defining "residential hotel" and "motor court" respectively, as shown above in the text of the amendment.

Corresponding changes are made in the rent regulation for housing in the New York City Defense-Rental Area, the rent regulation for housing in the Atlantic County Defense-Rental Area, the rent regulation for housing in the Miami Defense-Rental Area.

In the judgment of the Price Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-449; Filed, Jan. 14, 1947; 11:38 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing, New York City Area,[1] Amdt. 33 (§ 1388.1281)]

HOUSING IN NEW YORK CITY AREA

The rent regulation for housing in the New York City Defense-Rental Area is amended in the following respects:

1. Section 1 (b) (3) is amended to read as follows:

(3) *Rooms in hotels, rooming houses and motor courts.* All accommodations in transient hotels, and all rooms in residential hotels, rooming houses and motor courts, or housing accommodations which have been, with the consent of the Administrator, brought under the control of the rent regulation for transient hotels, residential hotels, rooming houses and motor courts in the New York City Defense-Rental Area pursuant to the provisions of that regulation.

2. Section 1 (b) (7) is amended to read as follows:

(7) *Structures in which individual rooms are exempt.* Entire structures or premises in which all of the individual housing accommodations rented or offered for rent are exempt under section 1 (b) (6) of this regulation or section 1 (b) (7) of the rent regulation for transient hotels, residential hotels, rooming houses and motor courts in the New York City Defense-Rental Area.

3. The third unnumbered paragraph of section 5 is amended by adding (a) (15) after (a) (14).

[1] 11 F. R. 4016, 5824, 8149, 8163, 10659, 12094.

4. The unnumbered paragraphs of section 5 are amended by adding the following paragraph:

In cases under paragraph (a) (15) of this section the adjustment shall be the amount of the rent increase granted by the appropriate agency of the United States.

5. Section 5 (a) is amended by adding paragraph (15).

(15) The maximum rent was established under section 4 (f) and prior to final completion of all units included in a single priority application, but subsequent to the first renting of said accommodations, the landlord made a written request to the appropriate agency of the United States to approve a higher rent than the rent initially approved because of the increased costs of construction, and a higher rent was approved by such agency.

6. Section 13 (a) (11) is amended to read as follows:

(11) "Transient hotels" means an establishment which (a) is customarily known as a hotel in the community, (b) contains more than twenty-five rooms, (c) provides services customarily supplied by transient hotels, and (d) had less than 50% of its accommodations occupied by permanent guests (on monthly or weekly basis) during the quota month (under the rent regulation for transient hotels, residential hotels, rooming houses and motor courts in the New York City Defense-Rental Area) or, if the establishment was not in operation during the quota month, during the month of June 1946.

7. Section 13 (a) (12) is amended to read as follows:

(12) "Rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel or motor court in which a furnished room or rooms not constituting an apartment are rented on a short term basis of daily, weekly or monthly occupancy to more than two paying tenants, not members of the landlord's immediate family. The term includes boarding houses, dormitories, trailers, residence clubs and all other establishments of a similar nature.

8. Section 13 (a) shall be amended by adding the following two paragraphs:

(13) "Residential hotel" means an establishment which (a) is customarily known as a hotel in the community, (b) contains more than twenty-five rooms, (c) provides services customarily supplied by residential hotels, and (d) had 50% or more of its accommodations occupied by permanent guests (on monthly or weekly basis) during the quota month (as defined in the rent regulation for transient hotels, residential hotels, rooming houses and motor courts in the New York City Defense-Rental Area), or if the establishment was not in operation during the quota month, during the month of June 1946.

(14) "Motor court" means an establishment renting rooms, cottages or cabins; supplying parking or storage

facilities for motor vehicles in connection with such renting and other services and facilities customarily supplied by such establishments; and commonly known as a motor, auto or tourist court in the community.

This amendment shall become effective January 15, 1947.

Issued this 14th day of January 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Statement Accompanying Amendment 109 to the Rent Regulation for Housing, Amendment 33 to the Rent Regulation for Housing in the New York City Defense-Rental Area, Amendment 25 to the Rent Regulation for Housing in the Atlantic County Defense-Rental Area and Amendment 29 to the Rent Regulation for Housing in the Miami Defense-Rental Area

The amendment to section 1 (b) (3) is purely formal and was necessitated by amendment 97 to the hotel regulations which changed the title of that regulation to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts and provided for the classification of establishments which are subject to the regulation.

Section 1 (b) (7) was amended to correct an error in the wording of amendment 108. This section as amended refers to "individual housing accommodations" rather than "individual rooms".

Section 5 (a) (15) is added to the housing regulation to provide that a landlord may obtain increases in maximum rents established under section 4 (f) (housing built with priority assistance) when prior to final completion of all units included in a single priority application, but subsequent to the first renting of some of the accommodations, the landlord made a written request to the appropriate agency to approve higher rents because of increased costs of construction, and such agency approved higher rents.

The rent regulations provide generally that, in establishing maximum rents for newly constructed housing accommodations, due consideration shall be given to increased costs of construction since the maximum rent date or, in the case of construction initiated after November 23, 1945, since 1939. Where accommodations are constructed with priority rating the rent regulations establish the maximum rent in general at the amount approved prior to initial renting by the agency which grants priority rating. Under the regulations of that agency, now the National Housing Agency, a builder incurring increased construction costs may, prior to completion of all the units covered by a single priority application, apply for approval of a rent higher than the rent initially approved because of such increased construction costs. Section 4 (f) of the housing regulation provides that where the landlord prior to the initial renting of priority housing makes a written request of the appropriate agency for a higher rent than initially approved by such agency, the maximum rent is the higher rent approved.

It has come to the attention of the Administrator that, in some instances, a builder of priority housing has made a written request of the National Housing Agency for approval of a higher rent because of increased construction costs, after renting some of the units included in a single priority application but prior to the completion of all of such units. Prior to this amendment the builder in the circumstances outlined above, could not obtain a higher maximum rent for the unit which had been rented even though the National Housing Agency approved a higher rent.

The Administrator has concluded that it is appropriate to give relief in such cases where the builder has a higher rent approved because of increased construction costs, but the maximum rent had been fixed on some units at the amount for which they were first rented and which did not take such increased costs into consideration. It is to the public interest to have such units rented upon completion without the necessity of the builder waiting until construction of the project as a whole is virtually complete and he is able to ascertain his total costs with sufficient accuracy to determine whether an application for a higher rent schedule to the agency granting the priority is justified.

The unnumbered paragraphs of section 5 are amended by an additional paragraph providing that in cases under paragraph (a) (15) of section 5 the rent adjustment shall be the amount of the rent increase granted by the appropriate agency.

Section 13 (a) (11), 13 (a) (12) are amended to provide uniformity in the definitions of "transient hotel" and "rooming house" respectively, as contained in the housing and hotel regulations.

Section 13 (a) is further amended by adding paragraphs defining "residential hotel" and "motor court" respectively, as shown above in the text of the amendment.

Corresponding changes are made in the rent regulation for housing in the New York City Defense-Rental Area, the rent regulation for housing in the Atlantic County Defense-Rental Area, the rent regulation for housing in the Miami Defense-Rental Area.

In the judgment of the Price Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-450; Filed, Jan. 14, 1947; 11:38 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing, Atlantic County Area,[1] Amdt. 25 (§ 1388.1411)]

HOUSING IN ATLANTIC COUNTY

The rent regulation for housing in the Atlantic County Defense-Rental Area is amended in the following respects:

1. Section 1 (b) (3) is amended to read as follows:

(3) *Rooms in hotels, rooming houses and motor courts.* All accommodations in transient hotels, and all rooms in residential hotels, rooming houses and motor courts, or housing accommodations which have been, with the consent of the Administrator, brought under the control of the rent regulation for transient hotels, residential hotels, rooming houses and motor courts pursuant to the provisions of that regulation.

2. Section 1 (b) (8) is amended to read as follows:

(8) *Structures in which individual rooms are exempt.* Entire structures or premises in which all of the individual housing accommodations rented or offered for rent are exempt under section 1 (b) (6) of this regulation or section 1 (b) (7) of the rent regulation for transient hotels, residential hotels, rooming houses and motor courts.

3. The third unnumbered paragraph of section 5 is amended by adding (a) (15) after (a) (14).

4. The unnumbered paragraphs of section 5 are amended by adding the following paragraph.

In cases under paragraph (a) (15) of this section the adjustment shall be the amount of the rent increase granted by the appropriate agency of the United States.

5. Section 5 (a) is amended by adding paragraph (15).

(15) The maximum rent was established under section 4 (f) and prior to final completion of all units included in a single priority application, but subsequent to the first renting of said accommodations, the landlord made a written request to the appropriate agency of the United States to approve a higher rent than the rent initially approved because of increased costs of construction, and a higher rent was approved by such agency.

6. Section 13 (a) (11) is amended to read as follows:

(11) "Transient hotel" means an establishment which (a) is customarily known as a hotel in the community, (b) contains more than twenty-five rooms, (c) provides services customarily supplied by transient hotels, and (d) had less than 50% of its accommodations occupied by permanent guests (on monthly or weekly basis) during the quota month (under the rent regulation for transient hotels, residential hotels, rooming houses and motor courts) or, if the establishment was not in operation during the quota month, during the month of June 1946.

[1] 11 F. R. 12084.

7. Section 13 (a) (12) is amended to read as follows:

(12) "Rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel or motor court in which a furnished room or rooms not constituting an apartment are rented on a short term basis of daily, weekly or monthly occupancy to more than two paying tenants, not members of the landlord's immediate family. The term includes boarding houses, dormitories, trailers, residence clubs and all other establishments of a similar nature.

8. Section 13 (a) shall be amended by adding the following two paragraphs:

(13) "Residential hotel" means an establishment which (a) is customarily known as a hotel in the community, (b) contains more than twenty-five rooms, (c) provides services customarily supplied by residential hotels, and (d) had 50% or more of its accommodations occupied by permanent guests (on monthly or weekly basis) during the quota month (as defined in the rent regulation for transient hotels, residential hotels, rooming houses and motor courts), or if the establishment was not in operation during the quota month, during the month of June 1946.

(14) "Motor court" means an establishment renting rooms, cottages or cabins; supplying parking or storage facilities for motor vehicles in connection with such renting and other services and facilities customarily supplied by such establishments; and commonly known as a motor, auto or tourist court in the community.

This amendment shall become effective January 15, 1947.

Issued this 14th day of January 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Statement Accompanying Amendment 109 to the Rent Regulation for Housing, Amendment 33 to the Rent Regulations for Housing in the New York City Defense-Rental Area, Amendment 25 to the Rent Regulation for Housing in the Atlantic County Defense-Rental Area and Amendment 29 to the Rent Regulation for Housing in the Miami Defense-Rental Area

The amendment to section 1 (b) (3) is purely formal and was necessitated by amendment 97 to the hotel regulations which changed the title of that regulation to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts and provided for the classification of establishments which are subject to the regulation.

Section 1 (b) (7) was amended to correct an error in the wording of amendment 108. This section as amended refers to "individual housing accommodations" rather than "individual rooms".

Section 5 (a) (15) is added to the housing regulation to provide that landlord may obtain increases in maximum rents established under section 4 (f) (housing built with priority assistance (when prior to final completion of all units included in a single priority application, but subsequent to the first renting of some of the accommodations, the landlord made a written request to the appropriate agency to approve higher rents because of increased costs of construction, and such agency approved higher rents.

The rent regulations provide generally that, in establishing maximum rents for newly constructed housing accommodations, due consideration shall be given to increased costs of construction since the maximum rent date or, in the case of construction initiated after November 23, 1945, since 1939. Where accommodations are constructed with priority rating the rent regulations establish the maximum rent in general at the amount approved prior to initial renting by the agency which grants priority rating. Under the regulations of that agency, now the National Housing Agency, a builder incurring increased construction costs may, prior to completion of all the units covered by a single priority application, apply for approval of a rent higher than the rent initially approved because of such increased construction costs. Section 4 (f) of the housing regulation provides that where the landlord prior to the initial renting of priority housing makes a written request of the appropriate agency for a higher rent than initially approved by such agency, the maximum rent is the higher rent approved.

It has come to the attention of the Administrator that, in some instances, a builder of priority housing has made a written request of the National Housing Agency for approval of a higher rent because of increased construction costs, after renting some of the units included in a single priority application but prior to the completion of all of such units. Prior to this amendment the builder in the circumstances outlined above, could not obtain a higher maximum rent for the unit which had been rented even though the National Housing Agency approved a higher rent.

The Administrator has concluded that it is appropriate to give relief in such cases where the builder has a higher rent approved because of increased construction costs, but the maximum rent had been fixed on some units at the amount for which they were first rented and which did not take such increased costs into consideration. It is to the public interest to have such units rented upon completion without the necessity of the builder waiting until construction of the project as a whole is virtually complete and he is able to ascertain his total costs with sufficient accuracy to determine whether an application for a higher rent schedule to the agency granting the priority is justified.

The unnumbered paragraphs of section 5 are amended by an additional paragraph providing that in cases under paragraph (a) (15) of section 5 the rent adjustment shall be the amount of the rent increase granted by the appropriate agency.

Section 13 (a) (11), 13 (a) (12) are amended to provide uniformity in the definitions of "transient hotel" and "rooming house" respectively, as contained in the housing and hotel regulations.

Section 13 (a) is further amended by adding paragraphs defining "residential hotel" and "motor court" respectively, as shown above in the text of the amendment.

Corresponding changes are made in the rent regulation for housing in the New York City Defense-Rental Area, the rent regulation for housing in the Atlantic County Defense-Rental Area, the rent regulation for housing in the Miami Defense-Rental Area.

In the judgment of the Price Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-451; Filed, Jan. 14, 1947; 11:38 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

[Housing, Miami Area,[1] Amdt. 29 (§ 1388.1341)]

HOUSING IN MIAMI AREA

The rent regulation for housing in the Miami Defense-Rental Area is amended in the following respects:

1. Section 1 (b) (3) is amended to read as follows:

(3) *Rooms in hotels, rooming houses and motor courts.* All accommodations in transient hotels, and all rooms in residential hotels, rooming houses and motor courts.

2. Section 1 (b) (7) is amended to read as follows:

(7) *Structures in which individual rooms are exempt.* Entire structures or premises in which all of the individual housing accommodations rented or offered for rent are exempt under section 1 (b) (6) of this regulation or section 1 (b) (7) of the rent regulation for transient hotels, residential hotels, rooming houses and motor courts in the Miami Defense-Rental Area.

3. The unnumbered paragraphs of section 5 are amended by adding the following:

In cases under paragraph (a) (14) of this section the adjustment shall be the amount of the rent increase granted by the appropriate agency of the United States.

4. Section 5 (a) is amended by adding paragraph (14).

[1] 11 F. R. 12084.

(14) The maximum rent was established under section 4 (c) and prior to final completion of all units included in a single priority application, but subsequent to the first renting of said accommodations, the landlord made a written request to the appropriate agency of the United States to approve a higher rent than the rent initially approved because of increased costs of construction, and a higher rent was approved by such agency.

5. Section 13 (a) (11) is amended to read as follows:

(11) "Transient hotels" means an establishment which (a) is customarily known as a hotel in the community, (b) contains more than twenty-five rooms, (c) provides services customarily supplied by transient hotels, and (d) had less than 50% of its accommodations occupied by permanent guests (on monthly or weekly basis) during the quota month (under the rent regulation for transient hotels, residential hotels, rooming houses and motor courts in the Miami Defense-Rental Area) or, if the establishment was not in operation during the quota month, during the month of June 1946.

6. Section 13 (a) (12) is amended to read as follows:

(12) "Rooming house" means, in addition to its customary usage, a building or portion of a building other than a hotel or motor court in which a furnished room or rooms not constituting an apartment are rented on a short term basis of daily, weekly or monthly occupancy to more than two paying tenants, not members of the landlord's immediate family. The term includes boarding houses, dormitories, trailers, residence clubs and all other establishments of a similar nature.

7. Section 13 (a) shall be amended by adding the following two paragraphs:

(13) "Residential hotel" means an establishment which (a) is customarily known as a hotel in the community, (b) contains more than twenty-five rooms, (c) provides services customarily supplied by residential hotels, and (d) had 50% or more of its accommodations occupied by permanent guests (on monthly or weekly basis) during the quota month (as defined in the rent regulation for transient hotels, residential hotels, rooming houses and motor courts in the Miami Defense-Rental Area), or if the establishment was not in operation during the quota month, during the month of June 1946.

(14) "Motor court" means an establishment renting rooms, cottages or cabins; supplying parking or storage facilities for motor vehicles in connection with such renting and other services and facilities customarily supplied by such establishments; and commonly known as a motor, auto or tourist court in the community.

This amendment shall become effective January 15, 1947.

Issued this 14th day of January 1947.

PHILIP B. FLEMING,
Temporary Controls Administrator.

Statement Accompanying Amendment 109 to the Rent Regulation for Housing, Amendment 33 to the Rent Regulation for Housing in the New York City Defense-Rental Area, Amendment 25 to the Rent Regulation for Housing in the Atlantic County Defense-Rental Area and Amendment 29 to the Rent Regulation for Housing in the Miami Defense-Rental Area

The amendment to section 1 (b) (3) is purely formal and was necessitated by amendment 97 to the hotel regulations which changed the title of that regulation to the Rent Regulation for Transient Hotels, Residential Hotels, Rooming Houses and Motor Courts and provided for the classification of establishments which are subject to the regulation.

Section 1 (b) (7) was amended to correct an error in the wording of amendment 108. This section as amended refers to "individual housing accommodations" rather than "individual rooms".

Section 5 (a) (15) is added to the housing regulation to provide that a landlord may obtain increases in maximum rents established under section 4 (f) (housing built with priority assistance) when prior to final completion of all units included in a single priority application, but subsequent to the first renting of some of the accommodations, the landlord made a written request to the appropriate agency to approve higher rents because of increased costs of construction, and such agency approved higher rents.

The rent regulations provide generally that, in establishing maximum rents for newly constructed housing accommodations, due consideration shall be given to increased costs of construction since the maximum rent date or, in the case of construction initiated after November 23, 1945, since 1939. Where accommodations are constructed with priority rating the rent regulations establish the maximum rent in general at the amount approved prior to initial renting by the agency which grants priority rating. Under the regulations of that agency, now the National Housing Agency, a builder incurring increased construction costs may, prior to completion of all the units covered by a single priority application, apply for approval of a rent higher than the rent initially approved because of such increased construction costs. Section 4 (f) of the housing regulation provides that where the landlord prior to the initial renting of a priority housing makes a written request of the appropriate agency for a higher rent than initially approved by such agency, the maximum rent is the higher rent approved.

It has come to the attention of the Administrator that, in some instances, a builder of priority housing has made a written request of the National Housing Agency for approval of a higher rent because of increased construction costs, after renting some of the units included in a single priority application but prior to the completion of all of such units. Prior to this amendment the builder in the circumstances outlined above, could not obtain a higher maximum rent for the unit which had been rented even though the National Housing Agency approved a higher rent.

The Administrator has concluded that it is appropriate to give relief in such cases where the builder has a higher rent approved because of increased construction costs, but the maximum rent had been fixed on some units at the amount for which they were first rented and which did not take such increased costs into consideration. It is to the public interest to have such units rented upon completion without the necessity of the builder waiting until construction of the project as a whole is virtually complete and he is able to ascertain his total costs with sufficient accuracy to determine whether an application for a higher rent schedule to the agency granting the priority is justified.

The unnumbered paragraphs of section 5 are amended by an additional paragraph providing that in cases under paragraph (a) (15) of section 5 the rent adjustment shall be the amount of the rent increase granted by the appropriate agency.

Section 13 (a) (11), 13 (a) (12) are amended to provide uniformity in the definitions of "transient hotel" and "rooming house" respectively, as contained in the housing and hotel regulations.

Section 13 (a) is further amended by adding paragraphs defining "residential hotel" and "motor court" respectively, as shown above in the text of the amendment.

Corresponding changes are made in the rent regulation for housing in the New York City Defense-Rental Area, the rent regulation for housing in the Atlantic County Defense-Rental Area, the rent regulation for housing in the Miami Defense-Rental Area.

In the judgment of the Price Administrator, these amendments are necessary and proper in order to effectuate the purposes of the Emergency Price Control Act.

No provisions which might have the effect of requiring a change in established rental practices have been included in the amendments unless such provisions have been found necessary to achieve effective rent control and to prevent circumvention or evasion of the rent regulations and the act. To the extent that the provisions of these amendments compel or may operate to compel changes in established rental practices, such provisions are necessary to prevent circumvention or evasion of the rent regulations and the act.

[F. R. Doc. 47-452; Filed, Jan. 14, 1947; 11:38 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

[Instruction 2, Title II, Section 201, Pub. Law 719, 79th Cong.]

PART 5—ADJUDICATION: DEPENDENTS CLAIMS (APPENDIX)

AWARDS OF DEATH COMPENSATION OR PENSION INVOLVING PAYMENT OF SURVIVORS' INSURANCE BY FEDERAL SECURITY AGENCY

1. *Initial awards of death compensation or pension.* Veterans' Administra-

tion Instruction No. 1, Title II, section 201, Public Law 719, 79th Congress (section 210, Social Security Act as amended) (11 F. R. 11506), provides among other things that where an award of death compensation or pension is made in favor of the same person to whom an award of benefits has been made by the Federal Security Agency pursuant to the provisions of section 210, as shown by a Form OA–C651, the award of death compensation or pension will be made to commence as of the date of approval of the award. In such cases it will be necessary that the award account card bear a notation indicating that the award is subject to the provisions of this law. Accordingly, on the reverse side of the award account card, the citation of laws under which the award is made will be followed by the notation "(P. L. 719)."

(a) The instruction further provides that in any case in which Form OA–C651 is received and an award of death compensation or pension is subsequently approved either in favor of the same person named on the Form OA–C651 or in favor of some other person, a VA Form 8–640 will be executed in triplicate. One copy will be retained in the case file. The original and one copy will be forwarded to the appropriate Social Security Area Office as notice of the approval of the award and to ascertain the amount of survivors' insurance which has been paid under section 210. Upon receipt of the VA Form 8–640, the Social Security Area Office will discontinue all payments being made under section 210, whether such payments are being made to the same person to whom an award of death compensation or pension has been made or to any other person. The form will then be endorsed to show the names of all persons to whom awards of survivors' insurance have been certified under section 210, the period covered by the award, and the total amount of survivors' insurance which has been paid to each payee. The duplicate of the form will be returned to the Veterans' Administration.

(b) Upon receipt of the completed VA Form 8–640 in the Veterans' Administration, if it is shown that no award of benefits under section 210 has been made to the person to whom death compensation or pension has been awarded, the form will be filed without further action. If it is shown that benefits under section 210 have been paid to the same person to whom death compensation or pension has been awarded, or if an award of compensation or pension is subsequently made to a person who has received benefits under section 210, the procedure outlined in the following paragraphs will be observed in adjusting the award or in determining the amount of death compensation or pension which is payable.

2. *Definitions.* (a) The term "accrued" compensation or pension appearing in this instruction means the amount of death compensation or pension covering the period beginning with the appropriate commencing date of the award (e. g., the day following the date of the veteran's death or the date of filing claim) and ending with the day prior to the date of approval of the initial award.

(b) The term "offset" appearing in this instruction will consist of payments made by the Federal Security Agency under section 210 either in a lump sum or in monthly installments covering any period on or after the first of any month for which death compensation or pension would be payable under the applicable law, but in no event will the "offset" exceed the "accrued" compensation or pension as defined in subparagraph (a) of this paragraph.

3. *Computation of offset on award.* A determination of the amount to be offset against the payment of death compensation or pension accrued to the date of approval of the initial award will be made by the adjudicating agency. This determination will be made as set forth in the following examples:

(a) *Award commencing day after veteran's death.* If the amount of $600 death compensation or pension has accrued for periods prior to the date of approval of the initial award and the certification on the VA Form 8–640 shows that a total of $500 has been paid under section 210, the offset will be $500. This amount will constitute the offset even though the certification shows that the award under section 210 covers a period subsequent to the date of approval of the initial award of death compensation or pension; e. g., through the end of the month in which such award was approved. If the certification shows that the payments made under section 210 total $625, the offset will be $600, which is the amount of compensation or pension accrued prior to date of approval of the initial award. (In the latter instance, the provisions of paragraph 5 will apply, and amended award action will not be in order if the award of death compensation or pension has been made to commence effective the date of approval of the award.)

(b) *Award commencing later than day after veteran's death.* If the initial award of death compensation or pension was approved on November 17 and the award is effective June 3, only those payments which have been made under section 210 for periods on and after June 1 will be offset. If $300 is payable as death compensation or pension accrued for the period between June 3 and November 16, inclusive, and $450 has been paid under section 210 at the monthly rate of $25, ending with the November check, the offset will be $150.

4. *Amendment of awards.* If it is determined that there is any additional amount of death compensation or pension payable (see paragraph 3), the award will be made to commence effective the date provided by the applicable law. The following statement will be entered under "Remarks" on the award brief face:

Subject to prior payment of $____ survivors' insurance under Title II, Public No. 719, 79th Congress.

Notice of the action taken will be forwarded to the payee and other persons in interest. The letter to the payee will include a statement that adjustment of the award is subject to payments in the amount of $____ which the payee has received from Federal Security Agency under the provisions of section 210 of the Social Security Act as amended.

5. *Offset equals Veterans' Administration adjustment.* If it is determined that the survivors' insurance paid under section 210 equals or exceeds the amount of death compensation or pension accrued prior to the date of approval of the initial award, and the offset therefor equals the accrued, VA Form 8–640 will be filed without action, and notice will be forwarded to the claimant and other persons in interest that information has been received from Federal Security Agency indicating that the claimant has received survivors' insurance pursuant to the provisions of section 210 of the Social Security Act as amended in an amount which equals (or exceeds) the amount of death compensation or pension payable by the Veterans' Administration for periods prior to _____, the commencing date of the initial award, and that under these circumstances, compension or pension is not payable for any period prior to that date.

6. *Survivors' insurance paid to widow for use of children.* Where survivors' insurance is payable to a widow and minor children of a deceased person, these amounts are paid separately. The award on behalf of a minor child is customarily made to the widow "for the use of" the child. When a VA Form 8–640 is dispatched notifying Federal Security Agency that an award of death compensation or pension has been made in favor of a widow, the certification by the Social Security Area Office on the lower half of the form will include a report of amounts paid to the widow "for the use of" a minor child or children of the veteran.

(a) *Award of death compensation or pension to widow.* Where the VA Form 8–640 shows that benefits have been paid under section 210 "for the use of" a child or children who are in the custody of the widow such amounts will be included in computing the total amount to be offset against the award of death compensation or pension to the widow.

(b) *Award of death compensation or pension to or for a child.* Where the award of death compensation or pension is made to or for a child, only those amounts paid under section 210 to any person "for the use of" that child will be included in the amount to be offset against the death compensation or pension award.

7. *Award made by Veterans Administration prior to receipt of Form OA–C651.* Under certain circumstances an award of death compensation or pension may have been approved prior to receipt of notice that an award of benefits has been certified by Federal Security Agency under section 210 to the same person. In such cases, when the Form OA–C651 is received showing that benefits have been certified for payment to the same person to whom death compensation or pension is being paid, action will be taken to authorize suspension of payments of death compensation or pension. This action

will be taken without regard to the fact that the initial award may have been approved prior to the enactment of this act. The claimant will be notified of the suspension and the reason. VA Form 8–640 will be executed and dispatched as provided in paragraph 8, Veterans Administration Instruction No. 1 (11 F. R. 11506), and paragraph 1 of this instruction under this law. Upon receipt of the necessary information from the Social Security Area Office certifying the amount of benefits paid under section 210, an amended award of death compensation or pension will be made. The amended award will be governed by the procedure set forth in paragraph 4 of this instruction. In computing the amount to be offset, as outlined in paragraph 3 of this instruction, the date of approval of the initial award will determine the maximum amount which may be offset against the payment of death compensation or pension.

(Public Law 719, 79th Cong.)

[SEAL] OMAR N. BRADLEY,
General, U. S. Army,
Administrator of Veterans Affairs.

DECEMBER 24, 1946.

[F. R. Doc. 47–345; Filed, Jan. 14, 1947; 8:46 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Parts 725, 726]

BURLEY, FLUE-CURED, FIRE-CURED, AND DARK AIR-CURED TOBACCO

NOTICE OF FORMULATION OF REGULATIONS RELATING TO MARKETING OF TOBACCO, COLLECTION OF MARKETING PENALTIES, AND RECORDS AND REPORTS, 1947–48

Pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U. S. C. 1311–1314; 1372–1375), the Secretary of Agriculture is preparing to formulate marketing quota regulations governing the issuance of marketing cards, the identification of tobacco, the collection and refund of penalties, and the reports and records incident thereto, on the marketing of Burley, flue-cured, fire-cured and dark air-cured tobacco for the 1947–48 marketing year. Prior to the final adoption and issuance of such regulations, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Branch, Production and Marketing Administration, United States Department of Agriculture, Washington 25, D. C. All submissions must be postmarked not later than 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Issued at Washington, D. C. this 10th day of January 1947.

[SEAL] JESSE B. GILMER,
Acting Administrator.

[F. R. Doc. 47–351; Filed, Jan. 14, 1947; 8:46 a. m.]

[7 CFR, Part 930]

MILK IN TOLEDO, OHIO, MARKETING AREA

NOTICE OF REPORT AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO ORDER AND TO PROPOSED MARKETING AGREEMENT

Pursuant to the rules of practice and procedure, as amended, covering proceedings to formulate marketing agreements and marketing orders (7 CFR, Cum. Supp., 900.1 et seq.; 10 F. R. 11791; 11 F. R. 7737), notice is hereby given of the filing with the Hearing Clerk of this report of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to proposed amendments to the order, as amended, and a proposed marketing agreement, regulating the handling of milk in the Toledo, Ohio, marketing area, to be made effective pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended.

Interested parties may file exceptions to this report with the Hearing Clerk, Office of the Solicitor, Room 0308, South Building, United States Department of Agriculture, Washington 25, D. C., not later than the close of business on the 15th day after the publication of this report in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

The public hearing, on the record of which the proposed amendments to the order, as amended, and the proposed marketing agreement were formulated, was called by the Production and Marketing Administration, United States Department of Agriculture, following receipt of a petition filed by the Northwestern Cooperative Sales Association, Inc., Toledo, Ohio.

The principal issues developed at the hearing were concerned with the following: (1) The revision of the definitions of "producer" and "handler" and the addition of definitions for "cooperative association," "fluid milk plant," "other source milk," and "proration milk"; (2) the classification and pricing of skim milk and butterfat separately; (3) the reclassification of buttermilk; (4) the reduction of plant shrinkage allowance in Class III milk; (5) the revision of interhandler and nonhandler transfer provisions; (6) the revision of the method of allocating milk classified to the various sources of receipts; (7) the revision of the level of class prices and the revision of alternate basic formula prices upon which class prices are determined; (8) the revision of the producer butterfat differential; and (9) the revision of the application of the assessment for administrative expenses.

The conclusions reached with respect to these issues, together with some of the supporting reasons for such conclusions, are set forth below:

(1) The term "producer" should be revised to include a specification that producer milk shall be reproduced in conformity with the applicable health regulations in that portion of the marketing area for which such milk is produced, and to include as a producer any person who produces milk, under the above conditions, which is diverted by a handler or a cooperative association to a plant from which no Class I milk is disposed of in the marketing area.

The term "handler" should be revised also for purposes of clarification.

The terms "cooperative association," "other source milk," "Department of Agriculture," "producer-handler," "producer milk," "fluid milk plant," and "nonhandler" should be included for the sake of clarity and a better correlation of provisions of the order;

(2) The classification of milk should be revised to provide for the accounting and pricing of skim milk and butterfat separately in order to establish a basis for more specific accounting and pricing of producer milk;

(3) Plain buttermilk and creamed buttermilk should be classified as Class I milk;

(4) Actual plant shrinkage of producer milk up to two percent of the skim milk and butterfat therein should be classified as Class III milk and any excess of shrinkage should be Class I milk. Actual plant shrinkage of other source milk should be classified as Class III milk;

(5) The interhandler and nonhandler transfer provision should be revised to include more specific language relating to certain types of transactions and to make it unnecessary for the market administrator to follow milk, skim milk, or cream more than 100 miles from Toledo to audit its utilization if moved in fluid form;

(6) The amount of other source milk allowed to be prorated should be limited to the amount by which 120 percent of a handler's gross sales of Class I milk exceeds the receipts of producer milk by such handler, and any receipts of other source milk in excess of the above amount should be allocated to the lowest-priced uses available;

(7) The Class I and Class II price formulas should be revised to provide differentials over the manufacturing price level on a seasonal basis establishing relatively higher prices in the fall months and relatively lower prices in the spring months as an encouragement to a shift to fall milk production.

The basic formula price provision should be revised to broaden the basis

for establishing the Class I and Class II prices by including a formula based on the average price paid for milk by 18 specified manufacturing milk plants located in Michigan and Wisconsin, by including a formula based on the market prices of butter and cheese, and by revising the formula in the current order which is based on the market prices of butter and nonfat dry milk solids.

A butterfat differential applicable to each class for variations in butterfat content from 3.5 percent should be included in order to give identity to the value of butterfat in each class to conform with the proposed method for classifying skim milk and butterfat separately;

(8) The "ceiling" on the producer butterfat differential as currently provided should be removed by determining such differential in direct ratio to the market price of butter; and

(9) The administrative assessment provision should be made applicable to other source milk classified as Class I milk and Class II milk as well as to receipts of producer milk.

(10) Numerous changes in language in other provisions should be made for the purpose of further clarification and brevity.

The following provisions are recommended as the detailed means by which these conclusions may be carried out. The proposed marketing agreement is not included in this report because its substantive provisions would be the same as those set forth below with respect to the order, as amended.

Provisions

§ 930.1 *Definitions.* The following terms as used herein shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.).

(b) "Secretary" means the Secretary of Agriculture or such other officer or employee of the United States authorized to exercise the powers or to perform the duties of the said Secretary.

(c) "Department of Agriculture" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in § 930.5 and § 930.7

(d) "Person" means an individual, partnership, corporation, association, or any other business unit.

(e) "Toledo, Ohio, marketing area," hereinafter called the "marketing area," means the territory within the corporate limits of the city of Toledo, and the towns and villages of Ottawa Hills, Maumee, Sylvania, Harbor View, and Trilby in Lucas County, also the townships of Monclova, Springfield, Adams, Sylvania, Washington, Jerusalem, and Oregon in Lucas County, and the village of Rossford and the townships of Perrysburg, Ross, and Lake in Wood County, all in the State of Ohio; the village of Lakeside, and the territory within the townships of Whiteford, Bedford, and Erie in Monroe County, in the State of Michigan.

(f) "Delivery period" means the calendar month, or the portion thereof, during which the provisions hereof are effective.

(g) "Fluid milk plant" means a plant or other facilities used in the preparation or processing of milk for sale or disposition, in the marketing area, as Class I milk on the premises or to a wholesale or retail stop(s) other than a plant of a handler or nonhandler.

(h) "Producer" means any person who produces milk received (1) at a fluid milk plant, or (2) at any other plant by diversion from a fluid milk plant on the account of a handler or a cooperative association: *Provided*, That the person producing milk holds a dairy farm inspection permit issued by the appropriate health authority of the community for which the milk is produced, if such community requires such permit for milk for disposition as Class I milk therein.

(i) "Handler" means (1) any person who operates a fluid milk plant, or (2) any association of producers with respect to producer milk diverted by it from a fluid milk plant to any plant of a nonhandler for the account of such association.

(j) "Producer-handler" means a person who is a handler and who produces milk, but receives no milk from other producers.

(k) "Producer milk" means milk produced by one or more producers under the conditions set forth in paragraph (h) of this section.

(l) "Other source milk" means all skim milk and butterfat in any form (1) other than that contained in producer milk or in any product received and disposed of in the same form, or (2) transferred from a producer-handler to a handler. "Other source milk" shall include, but shall not be limited to, milk, skim milk, cream, or any milk product received at a fluid milk plant under an emergency permit issued by the appropriate health authority in the marketing area.

(m) "Nonhandler" means any person who is not a handler, but who operates a milk manufacturing or processing plant.

(n) "Cooperative association" means any cooperative marketing association of producers which the Secretary determines, after application by the association: (1) To be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act"; (2) to have full authority in the sale of milk of its members and to be engaged in making collective sales or marketing milk or its products for its members; and (3) to have all of its activities under the control of its members.

§ 930.2 *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal by the Secretary.

(b) *Powers.* The market administrator shall have the following powers with respect to this order:

(1) To administer its terms and provisions;

(2) To receive, investigate, and report to the Secretary complaints of violations;

(3) To make rules and regulations to effectuate its terms and provisions; and

(4) To recommend amendments to the Secretary.

(c) *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this order, including, but not limited to, the following:

(1) Within 30 days following the date on which he enters upon his duties execute and deliver to the Secretary a bond, effective as of the date on which he enters upon such duties and conditioned upon the faithful performance of such duties, is an amount and with surety thereon satisfactory to the Secretary;

(2) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(3) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(4) Pay, out of the funds provided by § 930.8:

(i) The cost of his bond and of the bonds of his employees;

(ii) His own compensation; and

(iii) All other expenses, except those incurred under § 930.9, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(5) Keep such books and records as will clearly reflect the transactions provided for herein, and, upon request by the Secretary surrender the same to such other person as the Secretary may designate;

(6) Publicly announce, unless otherwise directed by the Secretary, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the name of any person who, within 10 days after the day upon which he is required to perform such acts, has not made (i) reports pursuant to § 930.3, or (ii) payments pursuant to §§ 930.7, 930.8, 930.9, or 930.10;

(7) Submit his books and records to examination by the Secretary and furnish such information and reports as may be requested by the Secretary;

(8) Audit records of all handlers to verify the reports and payments required pursuant to the provisions hereof; and

(9) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each delivery period as follows:

(i) On or before the 5th day after the end of such delivery period, the minimum class prices and the butterfat differential for each class computed pursuant to § 930.5, and

(ii) On or before the 12th day after the end of such delivery period, the uniform price computed pursuant to § 930.6 (b) and the butterfat differential computed pursuant to § 930.7 (c).

§ 930.3 *Reports, records, and facilities*—(a) *Delivery period reports of receipts and utilization.* On or before the 5th day after the end of each delivery period, each handler, except a producer-handler, shall report to the market administrator with respect to all milk received from producers, all milk, skim milk, cream, and milk products received from other handlers, all other source milk received during the delivery period at his fluid milk plant(s), and milk diverted pursuant to § 930.1 (h) (2), in the detail and on forms prescribed by the market administrator: (1) the quantities of butterfat and skim milk contained in such receipts, and their sources; (2) the utilization of such receipts; and (3) such other information with respect to such receipts and utilization as the market administrator may prescribe.

(b) *Other reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows, except that each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request:

(1) On or before the 20th day after the end of each delivery period his producer pay roll for the preceding delivery period, which shall show (i) the pounds of milk and the percentages of butterfat contained therein received from each producer; (ii) the amounts and dates of payments to each producer or cooperative association; and (iii) the nature and amount of each deduction or charge involved in the payments referred to in subdivision (ii) of this subparagraph.

(2) On or before the 5th day after request by the market administrator, a schedule of rates which are charged and paid for the transportation of milk from the farm of each producer to such handler's fluid milk plant. Any changes made in this schedule of transportation rates and the effective dates thereof shall be reported to the market administrator within 5 days of such change.

(c) *Records and facilities.* Each handler shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of all of his operations and such facilities as, in the opinion of the market administrator, are necessary to verify reports, or to ascertain the correct information, with respect to (1) the receipts and utilization of all skim milk and butterfat received, including milk products received and disposed of in the same form; (2) the weights and tests for butterfat and for other contents of all milk and milk products handled; and (3) payments to producers and cooperative associations.

§ 930.4 *Classification*—(a) *Basis of classification.* All (1) producer milk received by a handler, and (2) other source milk received by a handler at a fluid milk plant, shall be classified in the classes set forth in paragraph (b) of this section.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraphs (c), (d), (e), (f), (g), and (h) of this section, the classes of utilization shall be:

(1) Class I milk shall be all skim milk and butterfat disposed of in fluid form as (i) milk; skim milk or buttermilk, except for livestock feed; or flavored milk or flavored milk drink; and (ii) all skim milk and butterfat not accounted for as Class II milk or Class III milk.

(2) Class II milk shall be all skim milk and butterfat disposed of as sweet or sour cream; any cream product in fluid form which contains less than the minimum butterfat required for fluid cream; eggnog; or creamed cottage cheese.

(3) Class III milk shall be all skim milk and butterfat accounted for (i) as used to produce a product other than those specified in subparagraphs (1) and (2) of this paragraph, (ii) as actual plant shrinkage of skim milk and butterfat received in producer milk, but not to exceed 2 percent of such receipts of skim milk and butterfat, respectively, and (iii) as actual plant shrinkage of skim milk and butterfat, respectively, in other source milk received: *Provided,* That if producer milk is utilized as milk, skim milk, or cream in conjunction with other source milk, the shrinkage allocated to producer milk shall be computed pro rata according to the proportions of the volumes of skim milk and butterfat respectively, received from such sources to their total.

(c) *Interhandler and nonhandler transfers.* (1) Skim milk and butterfat disposed of by a handler to another handler in the form of milk or skim milk shall be Class I milk, and skim milk and butterfat so disposed of in the form of cream shall be Class II milk, unless utilization in another class is mutually indicated in writing to the market administrator by both handlers on or before the 5th day after the end of the delivery period within which such transfer was made: *Provided,* That in no event shall the amount so reported be greater than the amount used in such class by the receiving handler.

(2) Skim milk and butterfat disposed of by a handler to a producer-handler in the form of milk or skim milk shall be Class I milk, and skim milk and butterfat so disposed of in the form of cream shall be Class II milk.

(3) Skim milk and butterfat disposed of in the form of milk or skim milk by a handler to a nonhandler's plant located less than 100 miles from the City Hall at Toledo, Ohio, by the shortest highway distance as determined by the market administrator, shall be Class I milk, and skim milk and butterfat so disposed of in the form of cream shall be Class II milk, unless (i) utilization is mutually indicated in writing to the market administrator by both the handler and nonhandler on or before the 5th day after the end of the delivery period within which such transfer was made, and (ii) the nonhandler maintains books and records showing the utilization of all skim milk and butterfat at his plant which are made available if requested by the market administrator for the verification of such mutually indicated utilization.

(4) Skim milk and butterfat disposed of in the form of milk or skim milk by a handler to a nonhandler's plant located 100 miles or more from the City Hall at Toledo, by the shortest highway distance as determined by the market administrator, shall be Class I and skim milk and butterfat so disposed of in the form of cream shall be Class II milk.

(d) *Responsibility of handlers and reclassification of milk.* (1) All skim milk and butterfat shall be classified as Class I milk unless the handler who first receives such skim milk or butter fat proves to the market administrator that such skim milk or butterfat should be classified otherwise.

(2) Any skim milk or butterfat classified in one class shall be reclassified if used or reused by such handler or by another handler in another class.

(e) *Computation of skim milk and butterfat in each class.* For each delivery period the market administrator shall correct for mathematical and for obvious errors the delivery period report submitted by each handler and compute the total pounds of skim milk and butterfat, respectively, in Class I milk, Class II milk, and Class III milk for such handler.

(f) *Allocation of butterfat classified.* The pounds of butterfat remaining after making the following computations shall be the pounds in each class allocated to producer milk:

(1) Subtract from the total pounds of butterfat in Class III milk the total pounds of butterfat shrinkage pursuant to subdivisions (ii) and (iii) of paragraph (b) (3) of this section;

(2) Subtract from the pounds of butterfat remaining in each class the pounds of butterfat received from other handlers and used in such class;

(3) Determine the pounds of butterfat in other source milk to be prorated pursuant to subparagraph (5) of this paragraph as the smallest of the following amounts:

(i) The pounds of butterfat in other source milk received in the form of milk or skim milk;

(ii) The difference by which the pounds of butterfat received in producer milk are less than 1.2 times the pounds of butterfat in the handler's Class I milk, not including that disposed of to other fluid milk plants; and

(iii) The total pounds of butterfat in other source milk less the amount of the butterfat shrinkage on other source milk substracted pursuant to subparagraph (1) of this paragraph;

(4) Subtract from the pounds of butterfat remaining in each class, in series beginning with the lowest-priced utilization, the pounds of butterfat in other source milk other than (i) butterfat shrinkage on other source milk subtracted pursuant to subparagraph (1) of this paragraph, and (ii) butterfat in other source milk determined pursuant to subparagraph (3) of this paragraph;

(5) Subtract pro rata from the pounds of butterfat remaining in each class, the pounds of butterfat in other source milk determined pursuant to subparagraph (3) of this paragraph; and

(6) Add to the pounds of butterfat remaining in Class III milk the pounds of butterfat shrinkage in producer milk subtracted pursuant to subparagraph (1) of this paragraph; or if the remaining pounds of butterfat in all classes ex-

ceed the pounds of butterfat in milk received from producers, subtract such excess from the remaining pounds of butterfat in each class in series beginning with the lowest-priced utilization.

(g) *Allocation of skim milk classified.* Allocate the pounds of skim milk in each class to producer milk in a manner similar to that prescribed for butterfat in paragraph (f) of this section.

(h) *Determination of producer milk in each class.* Add the pounds of butterfat and pounds of skim milk allocated to producer milk in each class, respectively, as computed pursuant to paragraphs (f) and (g) of this section, and determine the percentage of butterfat in each class.

§ 930.5 *Minimum prices*—(a) *Class prices.* Subject to the provisions of paragraphs (c) and (d) of this section, each handler shall pay not less than the following prices per hundredweight, on the basis of 3.5 percent butterfat content, for producer milk received.

(1) *Class I milk price.* To the basic formula price add the following amounts for the delivery periods indicated:

Delivery period:	*Amount*
May and June	$0.75
September, October, November and December	1.05
All others	.95

(2) *Class II milk price.* To the basic formula price add the following amounts for the delivery periods indicated:

Delivery period:	*Amount*
May and June	$0.15
September, October, November and December	.45
All others	.35

(3) *Class III milk price.* The Class III milk price shall be the average (computed to the nearest tenth of a cent) of the basic (or field) prices per hundredweight for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following locations for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 5th day after the end of the delivery period by the companies indicated below:

Company and Location

Van Camp Milk Co., Wauseon, Ohio.
Pet Milk Co., Delta, Ohio.
Defiance Milk Products Co., Defiance, Ohio.
Pet Milk Co., Hudson, Mich.

(b) *Basic formula price.* The basic formula price per hundredweight (computed to the nearest tenth of a cent) to be used in determining the class prices pursuant to paragraph (a) of this section shall be the highest of the prices per hundredweight for milk of 3.5 percent butterfat content computed pursuant to paragraph (a) (3) of this section, or to subparagraphs (1), (2), and (3) of this paragraph.

(1) The average of the basic (or field) prices reported to have been paid or to be paid per hundredweight for milk of 3.5 percent butterfat content received from farmers during the delivery period at the following plants or places for which prices have been reported to the market administrator or to the Department of Agriculture on or before the 5th day after the end of the delivery period by the companies indicated below:

Companies and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mt. Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(2) The price per hundredweight computed as follows:

(i) Multiply by six the average daily wholesale price per pound of 92-score butter at Chicago as reported by the Department of Agriculture during the delivery period;

(ii) Add an amount equal to 2.4 times the arithmetical average of the weekly prevailing price per pound of "Twins" during the delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price per pound of "Cheddars" shall be used; and

(iii) Divide by seven, and add 30 percent thereof, and then multiply by 3.5.

(3) The price per hundredweight computed by adding together the plus values pursuant to subdivisions (i) and (ii) of this subparagraph:

(i) From the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, substract three cents, add 20 percent thereof, and then multiply by 3.5; and

(ii) From the arithmetical average of the carlot prices per pound for nonfat dry milk solids (not including that specifically designated animal feed), spray and roller process, f. o. b. manufacturing plants in the Chicago area, as published by the Department of Agriculture during the delivery period, deduct 5.5 cents, multiply by 8.5, and then multiply by 0.965, except that if such agency does not publish such prices f. o. b. manufacturing plants, there shall be used for the purpose of this computation the arithmetical average of the carlot prices thereof, delivered at Chicago, Illinois, as published weekly by such agency during the delivery period; and in the latter event the figure "7.5" shall be substituted for "5.5" in the above formula.

(c) *Butterfat differentials to handlers.* If the weighted average butterfat test of that portion of producer milk which is classified, respectively, in any class of utilization for a handler, pursuant to § 930.4 (h), is more or less than 3.5 percent, there shall be added to, or subtracted from, as the case may be, the price for such class of utilization, for each one-tenth of one percent that such weighted average butterfat test is above or below, respectively, 3.5 percent, a butterfat differential (computed to the nearest tenth of a cent) calculated for each class of utilization as follows:

(1) *Class I milk.* Multiply by 1.3 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, and divide the result by 10;

(2) *Class II milk.* Multiply by 1.25 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, and divide the result by 10; and

(3) *Class III milk.* Multiply by 1.2 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, and divide the result by 10;

(d) *Emergency price provisions.* Whenever the provisions hereof require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose, the market administrator shall add to the specified price the amount of any subsidy, or other similar payment, being made by any Federal agency in connection with the milk, or product, associated with the price specified: *Provided*, That if for any reason the price specified is not reported or published as indicated, the market administrator shall use the applicable maximum price established by regulations of any Federal agency plus the amount of such subsidy or other similar payment: *Provided further*, That if the specified price is not reported or published and there is not applicable maximum uniform price, or if the specified price is not reported or published and the Secretary determines that the market price is below the applicable maximum uniform price, the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

§ 930.6 *Handler's obligation and uniform price*—(a) *Value of milk.* The value of producer milk of each handler for each delivery period shall be a sum of money computed by the market administrator by multiplying by the respective class prices pursuant to § 930.5, the amounts in each class computed pursuant to § 930.4 (h), and adding together such amounts: *Provided*, That if a handler, after the subtraction of other source milk and receipts from other handlers, has disposed of skim milk or butterfat in excess of the skim milk or butterfat which on the basis of his report for the delivery period pursuant to § 930.3 (a), has been credited to his producers as having been received by them, there shall be added an amount equal to the value of such skim milk or butterfat at the applicable price for the use from which such skim milk or butterfat was subtracted pursuant to paragraphs (f) (6) and (g) of § 930.4.

(b) *Uniform price.* For each delivery period the market administrator shall compute for each handler a "uniform price" per hundredweight, on the basis of

3.5 percent butterfat content, for producer milk received by such handler as follows:

(1) From the value of milk computed for such handler pursuant to paragraph (a) of this section, deduct, if the weighted average butterfat test of all producer milk received by him is greater than 3.5 percent or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed by multiplying the total pounds of butterfat represented by the variance of such weighted average butterfat test from 3.5 percent by the butterfat differential computed pursuant to § 930.7 (c) multiplied by 10;

(2) Add or subtract, as the case may be, the amount necessary to correct errors in classification for previous delivery periods as disclosed by audit of the market administrator;

(3) Adjust the resulting amount by the sum of money used in adjusting the uniform price, pursuant to subparagraph (5) of this paragraph, for the previous delivery period to the nearest cent;

(4) Divide the result by the total hundredweight of producer milk represented by the value computed pursuant to paragraph (a) of this section; and

(5) Adjust the resulting figure to the nearest cent.

(c) *Notification.* On or before the 12th day after the end of each delivery period, the market administrator shall mail to each handler, at his last known address, a statement showing:

(1) The amount and value of his producer milk in each class;

(2) The uniform price for such handler pursuant to paragraph (b) of this section and the butterfat differential computed pursuant to § 930.7 (c); and

(3) The totals of the amounts to be paid by such handler pursuant to §§ 930.8 and 930.9.

§ 930.7 *Payment for milk*—(a) *Time and method of final payment.* On or before the 15th day after the end of each delivery period, each handler shall make payment to each producer for milk received from such producer during such delivery period at not less than the uniform price for such handler adjusted by the butterfat differential pursuant to paragraph (c) of this section, less the amount of the payment made pursuant to paragraph (b) of this section.

(b) *Partial payments.* On or before the last day of each delivery period, each handler shall make payment to each producer at not less than the uniform price for such handler for the preceding delivery period, for milk received from such producer by such handler during the first 15 days of such delivery period: *Provided,* That in the event such producer discontinues shipping to such handler during the delivery period, such partial payments shall not be made and full payment for all milk received from such producer during the delivery period shall be made on the 15th day after the end of the delivery period pursuant to paragraph (a) of this section.

(c) *Producer butterfat differential.* In making payments pursuant to paragraph (a) of this section the uniform price for each handler shall be adjusted, for each one-tenth of one percent of such butterfat content in the milk of each producer above or below 3.5 percent, as the case may be, by a butterfat differential (computed to the nearest tenth of a cent) calculated as follows: Multiply by 1.2 the average daily wholesale price per pound of 92-score butter in the Chicago market, as reported by the Department of Agriculture during the delivery period, and divide the result by 10.

§ 930.8 *Expense of administration.* As his pro rata share of expense incurred pursuant to § 930.2 (c) (4), each handler shall pay the market administrator, on or before the 15th day after the end of such delivery period, 2 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, to be announced by the market administrator on or before the 12th day after the end of such delivery period, with respect to receipts, during the delivery period, of (a) milk from producers (including such handler's own production), and (b) other source milk received at a fluid milk plant and classified as Class I milk or Class II milk.

§ 930.9 *Marketing services*—(a) *Deductions for marketing services.* Except as set forth in paragraph (b) of this section, each handler, in making payments to producers pursuant to § 930.7 (a), with respect to all milk received from each producer (except milk of such handler's own production) at a plant not operated by a cooperative association of which such producer is a member, shall deduct 4 cents per hundredweight, or such lesser amount as the Secretary may from time to time prescribe, to be announced by the market administrator on or before the 12th day after the end of such delivery period; and on or before the 15th day after the end of such delivery period, shall pay such deductions to the market administrator. Such monies shall be expended by the market administrator to verify weights, samples, and tests of milk of such producers and to provide such producers with market information, such services to be performed by the market administrator, or by an agent engaged by and responsible to him.

(b) *Cooperative associations.* In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members, and for whom a cooperative association is actually performing the services described in paragraph (a) of this section, as determined by the market administrator, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions from payments required pursuant to § 930.7 (a) as may be authorized by such producers, and pay such deductions on or before the 15th day after the end of such delivery period to the cooperative association rendering such services of which such producers are members.

§ 930.10 *Adjustments of accounts*—(a) *Errors in payments.* Whenever audit by the market administrator of any handler's reports, books, records, or accounts discloses errors resulting in monies due (1) the market administrator from such handler, or such handler from the market administrator pursuant to §§ 930.8 or 930.9, or (2) any producer or cooperative association from such handler pursuant to § 930.7, the market administrator shall promptly notify such handler of any such amount due; and said payment thereof shall be made on or before the next date for making payment set forth in the provision under which such error occurred, following the 5th day after such notice.

§ 930.11 *Application of provisions*—(a) *Exempt milk.* Milk received at a plant of a handler the handling of which the Secretary determines to be subject to the pricing and payment provisions of any other Federal milk marketing agreement or order issued pursuant to the act for any fluid milk marketing area shall not be subject to the pricing and payment provisions hereof.

(b) *Milk caused to be delivered by cooperative associations.* Milk referred to herein as received from producers by a handler shall include milk of producers caused to be delivered directly from the farm to the fluid milk plant of such handler by a cooperative association which is authorized to collect payment for such milk.

(c) *Diverted milk.* (1) Producer milk diverted by an operator of a fluid milk plant from such plant to a nonhandler's plant shall be deemed to have been received by the fluid milk plant from which such milk was diverted.

(2) Producer milk diverted by a cooperative association from a fluid milk plant to a nonhandler's plant shall be deemed to have been received by such association.

(d) *Producer-handlers.* Sections 930.4, 930.5, 930.6, 930.7, 930.8, 930.9, and 930.10 shall not apply to the milk of a producer-handler.

§ 930.12 *Effective time.* The provisions hereof, or of any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 930.13 *Suspension or termination*—(a) *When suspended or terminated.* The Secretary shall, whenever he finds that this order, or any provision thereof, obstructs or does not tend to effectuate the declared policy of the act, terminate or suspend the operation of this order or any such provision thereof.

(b) *Continuing obligations.* If, upon the suspension or termination of any or all provisions of this order, there are any obligations thereunder the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

(c) *Liquidation.* Upon the suspension of the provisions hereof, except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and exe-

cute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

§ 930.14 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions hereof.

§ 930.15 *Separability of provisions.* If any provision hereof, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions hereof, to other persons or circumstances shall not be affected thereby.

This report filed at Washington, D. C., this 9th day of January 1947.

[SEAL] E. A. MEYER,
Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 47-335; Filed, Jan 14, 1947; 8:46 a. m.]

NOTICES

DEPARTMENT OF JUSTICE

Office of Alien Property

[Vesting Order 6213, Amdt.]

KARL AUGUST HEINRICH MULLER ET AL.

In re: Interests in bond and second mortgage, property insurance policy and claim owned by Karl August Heinrich Muller, Max Friedrich Edward Muller, Leo Karl Muller, Herman Wilhelm August Muller and Alvire Ottilie Herms.

Vesting Order 6213, dated April 23, 1946, is hereby amended as follows and not otherwise:

By deleting subparagraph 2–a and substituting therefor the following:

a. An undivided five-ninths interest in and to a certain mortgage executed on April 1, 1925, by Louis A. Lehman and Marie Lehman, his wife, as mortgagors, in favor of Auguste Miller, also known as Auguste Muller, as mortgagee, and recorded on April 14, 1925, in the Office of the Clerk of Queens County, New York, in Liber 2574 of Mortgages, Page 433, which mortgage was assigned by James W. Brown, Public Administrator of Bronx County, New York, by assignment, dated March 24, 1937, and recorded April 15, 1937, in the Office of the Clerk of Queens County, New York, in Liber 4336 of Mortgages, Page 275, to the persons named in subparagraph 1, among others, and any and all obligations secured by said interests in the mortgage, including but not limited to all security rights in and to any and all collateral (including the aforesaid mortgage) for any and all such obligations and the right to enforce and collect such obligations and the right to possession of any and all notes, bonds and other instruments evidencing such obligations,

All other provisions of said Vesting Order 6213 and all actions taken by or on behalf of the Alien Property Custodian or the Attorney General of the United States in reliance thereon, pursuant thereto and under the authority thereof are hereby ratified and confirmed.

(40 Stat. 411; 55 Stat. 839; Pub. Law 322, 79th Cong.; 60 Stat. 50; Pub. Law 671, 79th Cong.; 60 Stat. 925; 50 U. S. C. App. 1, 616; E. O. 9193, July 6, 1942, 7 F. R. 5205; E. O. 9567, June 8, 1945, 10 F. R. 6917; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 10, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director,
Office of Alien Property.

[F. R. Doc. 47-346; Filed, Jan. 14, 1947; 8:46 a. m.]

[Vesting Order 7950]

HAROLD SHOTARO TODA

In re: Stock owned by and debts owing to Harold Shotaro Toda, also known as Harold S. Toda, H. S. Toda, Shotaro Harold Toda and S. H. Toda.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9789, and pursuant to law, after investigation, it is hereby found:

1. That Harold Shotaro Toda, also known as Harold S. Toda, H. S. Toda, Shotaro Harold Toda and S. H. Toda, whose last known address is 7 Aobacho, Shibuya-Ku, Tokyo, Japan, is a resident of Japan and a national of a designated enemy country (Japan);

2. That the property described as follows:

a. Ten (10) shares of no par value $7 cumulative first preferred capital stock of Hawley Pulp and Paper Company, Oregon City, Oregon, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered PPO 1613 and PPO 1692 for five (5) shares each and represented by voting trust certificate number 950 registered in the names of Harold S. Toda and Kiku Toda, as joint tenants with right of survivorship but not as tenants in common, together with all declared and unpaid dividends thereon,

b. Ten (10) shares of no par value prior preference capital stock of Puget Sound Power & Light Company, 860 Stuart Building, Seattle 1, Washington, a corporation organized under the laws of the State of Massachusetts, evidenced by certificates numbered DC 149 and DC 168 for five (5) shares each, registered in the names of Harold S. Toda and Kiku Toda, as joint tenants with right of survivorship and not as tenants in common, presently in the custody of Martha Toda, 19 Compton Street, New Haven 11, Connecticut, together with all declared and unpaid dividends thereon,

c. Two (2) shares of no par value prior preference capital stock of Puget Sound Power & Light Company, 860 Stuart Building, Seattle 1, Washington, a corporation organized under the laws of the State of Massachusetts, evidenced by certificate number BPO 2415, registered in the names of Harold S. Toda and Kiku Toda, as joint tenants with right of survivorship and not as tenants in common, presently in the custody of Stone & Webster Service Corporation, 49 Federal Street, Boston 7, Massachusetts, together with all declared and unpaid dividends thereon,

d. Sixteen (16) shares of $0.10 par value common capital stock of The Equity Corporation, 420 Lexington Avenue, New York, New York, a corporation organized under the laws of the State of Delaware, evidenced by certificate number JCO 35307, registered in the names of Harold S. Toda and Kiku Toda, as joint tenants with right of survivorship and not as tenants in common, presently in the custody of Martha Toda, 19 Compton Street, New Haven 11, Connecticut, together with all declared and unpaid dividends thereon,

e. That certain debt or other obligation owing to Harold Shotaro Toda, also known as Harold S. Toda, H. S. Toda, Shotaro Harold Toda and S. H. Toda, by the Bank of California National Association, Portland 8, Oregon, in the amount of $420, as of October 23, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same, and

f. Those certain debts or other obligations owing to Harold Shotaro Toda, also known as Harold S. Toda, H. S. Toda, Shotaro Harold Toda and S. H. Toda, by Puget Sound Power & Light Company, 860 Stuart Building, Seattle 1, Washington, evidenced by certain dividend checks issued by said Puget Sound Power & Light Company in the names of Harold S. Toda and Kiku Toda, Joint Tenants, and presently in the custody of Stone & Webster Service Corporation, 49 Federal Street, Boston, Massachu-

setts, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations and any and all accruals thereto, together with any and all rights in, to and under, including particularly the right to possession of, the aforesaid dividend checks,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan);

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

(40 Stat. 411; 55 Stat. 839; 60 Stat. 50; Pub. Law 322, 79th Cong.; Pub. Law 671, 79th Cong.; 50 U. S. C. App. 1, 50 U. S. C. App. Sup. 616; E. O. 9193, July 6, 1942, 7 F. R. 5205, 3 CFR, Cum. Supp.; E. O. 9567, June 8, 1945, 10 F. R. 6917, 3 CFR, 1945 Supp.; E. O. 9788, Oct. 14, 1946, 11 F. R. 11981)

Executed at Washington, D. C., on January 3, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director.

[F. R. Doc. 47-319; Filed, Jan. 13, 1947; 8:50 a. m.]

HARRIET DALY SIGRAY

RETURN ORDER

The Office of Alien Property, having considered the claims set forth below and having filed with the Division of the Federal Register findings of fact and conclusions of law with respect to such claims, which findings and conclusions are herein incorporated by reference:

It is ordered, That the property set forth below be returned as follows:

Return order No.	Person to whom property is to be returned	Claim No.	Vesting Order No.	Notice of intention to return published	Property to be returned
3	Harriet Daly Sigray, New York, New York.	5318	1851 (8 F. R. 10641)	11 F. R. 13793 (Nov. 23, 1946)	Cash $40,827.36.
					Interest as life beneficiary in a trust between Margaret P. Daly, Settlor, and Corn Exchange Bank & Trust Co., Trustee, dated May 9, 1929.
3	do	5319	1195 (8 F. R. 4665)	do	Cash $4,985.02.
3	do	5320	2909 (9 F. R. 742)	do	Certain contingent remainder interests created by will of Marcus Daly; Bankers Trust Co. and James W. Gerard, executors & trustees.
3	do	5321	1793 (8 F. R. 10044)	do	Interest in a bequest of certain jewelry and household effects and one-fourth interest in residue under will of Margaret P. Daly; Executors James W. Gerard and H. Carroll Brown.

Appropriate documents and papers effectuating this order will issue.

Executed at Washington, D. C., January 9, 1947.

For the Attorney General.

[SEAL] DONALD C. COOK,
Director,
Office of Alien Property.

[F. R. Doc. 47-347; Filed, Jan. 14, 1947; 8:46 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice of issuance of special certificates for the employment of learners under the Fair Labor Standards Act of 1938.

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rate applicable under section 6 of the act have been issued to the firms hereinafter mentioned under section 14 of the act, Part 522 of the regulations issued thereunder (August 16, 1940, 5 F. R. 2862, and as amended June 25, 1942, 7 F. R. 4725), and the determinations, orders and/or regulations hereinafter mentioned. The names and addresses of the firms to which certificates were issued, industry, products, number of learners, learner occupations, wage rates, learning periods, and effective and expiration dates of the certificates are as follows:

Independent Telephone Learner Regulations, July 17, 1944 (9 F. R. 7125).

The special learner certificates issued to the following companies under the above regulations provide for the employment of learners in the occupation of commercial switchboard operator for a period not in excess of 480 hours at not less than 30 cents per hour for the first 320 hours and 35 cents per hour for the remaining 160 hours of the learning period. The number of learners authorized to be employed depends on the number of operators in the exchange, i. e., one learner if the exchange employs 8 operators or less, two learners if the exchange employs from 9 to 18 operators, etc. See Regulations, Part 522, § 522.083.

Central Iowa Telephone Company, Hartley, Iowa; effective January 5, 1947, expiring January 4, 1948.

Central Iowa Telephone Company, Rolfe, Iowa; effective January 12, 1947, expiring January 11, 1948.

The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of the applicable determinations, orders and/or regulations cited above. These certificates have been issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of regulations, Part 522.

Signed at New York, New York, this 8th day of January 1947.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 47-333; Filed, Jan. 14, 1947; 8:48 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 548 et al.]

NATIONAL AIRLINES, INC., ET AL.; MISSISSIPPI VALLEY CASE

NOTICE OF ORAL ARGUMENT

In the matter of applications by National Airlines, Inc., et al., for certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that oral argument in the above proceeding is assigned to be held on February 24, 1947, 10:00 a. m., eastern standard time in Room 5042 Commerce Building, 14th Street and and Constitution Avenue, NW., Washington, D. C., before the Board.

Dated at Washington, D. C., January 9, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 47-339; Filed, Jan. 14, 1947; 8:46 a. m.]

[Docket No. 1051 et al.]

MID-CONTINENT AIRLINES, INC., ET AL.; KANSAS CITY-MEMPHIS-FLORIDA CASE

NOTICE OF ORAL ARGUMENT

In the matter of applications by Mid-Continent Airlines, Inc., et al., for certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amende, that oral argument in the above proceeding is assigned to be held on February 18, 1947, 10:00 a. m., eastern standard time in Room 5042 Commerce Building, 14th Street and Constitution Avenue, NW., Washington, D. C., before the Board.

Dated at Washington, D. C. January 9, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-337; Filed, Jan. 14, 1947; 8:46 a. m.]

[Docket No. 1602 et al.]

DULUTH AIRLINES, INC., ET AL.; CHICAGO-SEATTLE CASE

NOTICE OF ORAL ARGUMENT

In the matter of applications by Duluth Airlines, Inc., et al., for certificates of public convenience and necessity under section 401 of the Civil Aeronautics Act of 1938, as amended.

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, that oral argument in the above proceeding is assigned to be held on February 14, 1947, 10:00 a. m., eastern standard time in Room 5042 Commerce Building, 14th Street and Constitution Avenue, NW., Washington, D. C., before the Board.

Dated at Washington, D. C., January 9, 1947.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN, *Secretary.*

[F. R. Doc. 47-338; Filed, Jan. 14, 1947; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-835]

CONSOLIDATED GAS UTILITIES CORP.

NOTICE OF APPLICATION

JANUARY 9, 1947.

Notice is hereby given that on December 30, 1946, Consolidated Gas Utilities Corporation (Applicant), a Delaware corporation having its principal place of business at Oklahoma City, Oklahoma, and authorized to do business in the States of Texas, Oklahoma and Kansas, filed an application (an application for a temporary certificate having been filed on December 9, 1946) for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicant to construct and operate the following facilities and to transport natural gas for Cities Service Gas Company (Cities Service) from a point near Wichita, Kansas, to Hutchinson and Lyons, Kansas:

(1) A measuring station and facilities to be installed at a connection between the pipe line of Applicant and the pipe line of Cities Service Gas Company in the North Half of Section 31, Township 23 South, Range 5 West, Reno County, Kansas;

(2) A meter installation to be installed at a connection between the pipe line of Applicant and the pipe line of Cities Service Gas Company in the Northeast Quarter of Section 10, Township 20 South, Range 8 West, Rice County, Kansas.

Applicant recites that Cities Service will deliver gas to Applicant at the intersection of the 10-inch lines of the two companies at a point north of Wichita, Kansas, through Cities Service meter No. 5288. Applicant will transport such gas through its 10-inch line and redeliver such gas to Cities Service at the points hereinbefore described as (1) and (2) (Hutchinson and Lyons, Kansas). Applicant states that the quantity of gas so to be transported is such quantity as Cities Service Gas Company may desire up to the capacity of Applicant's facilities after supplying the natural gas requirements of all of Applicant's own present and future customers. Applicant estimates that the maximum amount of gas which will be delivered through said facilities on the peak day of any year will be 10,000 Mcf of gas and that no deliveries of gas will be made through said facilities during the summer months.

Applicant states that it will receive 1½¢ per Mcf for gas transported to Lyons, Kansas, and 1¢ per Mcf for gas transported to Hutchinson, Kansas, in acordance with a proposed rate schedule on file with the Commission.

Applicant further seeks authority to construct and operate a measuring station and facilities to be installed at a connection between the 14-inch pipeline of Applicant and the 20-inch pipeline of the Cities Service Gas Company in the center of the Northwest Quarter of Section 24, Township 28 South, Range 1 West, Sedgwick County, Kansas.

Applicant proposes to redeliver to Cities Service through this measuring station natural gas transported by it for Cities Service by virtue of the certificate issued in Docket No. G-687. Applicant states that by making delivery to Cities Service at this second point of delivery, the gas will be delivered into Cities Service pipeline ahead of Cities Service Wichita compressor station, enabling Cities Service to compress such gas for further transportation. Applicant estimates the maximum amount of gas which will be delivered through said facilities on the peak day of any year will be 6,500 Mcf of gas and that no deliveries of gas will be made through said facilities during the summer months.

Applicant estimates that the overall capital cost of construction of all the facilities above enumerated will total $5,720 to be financed from its funds on hand.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of Consolidated Gas Utilities Corporation should file with the Federal Power Commission, Washington, D. C., not later than fifteen days from the date of publication of this notice in the FEDERAL REGISTER, a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-330; Filed, Jan. 14, 1947; 8:50 a. m.]

[Docket No. G-606]

TENNESSEE GAS AND TRANSMISSION CO. AND THE CHICAGO CORP.

ORDER POSTPONING HEARING

JANUARY 10, 1947.

It appearing to the Commission that:

(a) On November 5, 1946, the Commission ordered that a public hearing in the above-docketed matter be held commencing on January 20, 1947, at 10:00 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

(b) Good cause exists for postponing the date of hearing as hereinafter provided.

The Commission orders that:

The public hearing in the above-docketed matter is hereby postponed to February 3, 1947, commencing at 10:00 a. m. (e. s. t.), in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

Date of issuance: January 10, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 47-341; Filed, Jan. 14, 1947; 8:48 a. m.]

[Docket No. G-837]

COLORADO INTERSTATE GAS CO. AND CANADIAN RIVER GAS CO.

NOTICE OF APPLICATION

JANUARY 7, 1947.

Notice is hereby given that on December 20, 1946, Colorado Interstate Gas Company (Applicant), a Delaware corporation having its principal place of business at Colorado Springs, Colorado, and Canadian River Gas Company (Applicant), a Delaware corporation having

its principal place of business in the State of Texas, filed joint applications with the Federal Power Commission for certificates of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, to authorize Applicants to construct and operate certain natural gas facilities subject to the jurisdiction of the Federal Power Commission, described in the application as follows:

PLAN I

Construction by Colorado Interstate Gas Company. (a) Approximately 207 miles of 20-inch natural gas pipe line from a metering station site to be located near the city limits and northeast of Denver, Colorado, extending to a point near Holly, Prowers County, Colorado, designated as Holly Junction.

(b) A 16-inch natural gas pipe line extending from Holly Junction, Colorado, to a field compressor station site to be selected in either Finney County or Kearney County, in the Hugoton Gas Field, in Kansas.

(c) A 16-inch natural gas pipe line commencing at Holly Junction, Colorado, and extending through Prowers and Baca Counties, Colorado, and Cimarron County, Oklahoma, to the Oklahoma-Texas boundary line.

Construction by Canadian River Gas Company. (d) Approximately 60 miles of 16-inch natural gas pipe line extending from the Oklahoma-Texas boundary line to the present Bivins Compressor Station in Moore County, Texas or a field station just north of Bivins Station.

PLAN II

Construction by Colorado Interstate Gas Company. (a) Approximately 268 miles of 20-inch natural gas pipe line extending in a southeasterly direction from the city of Denver, Colorado, to the Texas-Oklahoma boundary.

(b) Three natural gas compressor stations spaced from 69 to 73 miles apart.

Construction by Canadian River Gas Company. (c) Approximately 68 miles of natural gas pipe line extending from a point on the Texas-Oklahoma boundary and being the end point of construction described in (a) above, extending in a southeasterly direction to Bivins Compressor Station located in Moore County, Texas.

The application states the principal market of Colorado is the city and county of Denver and its environs, where natural gas has been sold by Colorado Interstate Gas Company to Public Service Company of Colorado under a contract expiring on June 23, 1948, on file with the Commission as Colorado's Rate Schedule FPC No. 1; that the franchise under which Public Service Company distributes natural gas in Denver will expire in February 1947; that prior to the making of an application for a renewal of its franchise rights for 20 years Public Service Company and Colorado Interstate negotiated for an extension of the present agreement, and that they worked on studies to develop the future requirements of Public Service Company; and that these studies indicate large increases in the requirements of the consumers of Public Service Company, both on a peak day and an annual basis, which will require additional pipe line capacity to enable Colorado Interstate to supply the requirements of Public Service during the proposed extended franchise period.

Applicant, Colorado Interstate, avers that it cannot commence the construction of the facilities immediately required unless such agreement becomes effective as a rate schedule under the Natural Gas Act for, without the protection afforded Colorado Interstate by the obligations assumed by Public Service Company under said agreement, Colorado Interstate would not be justified in making an expenditure of almost $12,000,000 and a future estimated additional expenditure, by Colorado Interstate and Canadian River Gas Company, of another $12,000,000; and that, therefore, this application is conditioned upon Public Service Company obtaining a requisite extension of franchise rights from the city of Denver and the filing of the said agreement by the Applicants hereto as a rate schedule, and the same becoming effective as a rate schedule under the provisions of the Natural Gas Act.

The application states that, subject to the conditions stated, the facilities described are proposed to be constructed in accordance with two plans; and that under Plan I and contingent upon Applicant, Colorado Interstate, being able to obtain satisfactory gas supply contracts for that portion of the load which will be supplied from the Hugoton Gas Field, Applicant proposes the construction described in paragraphs (a) and (b), facilities under paragraph (c) to be constructed if and when the market requirements necessitate additional capacity. Applicant, Canadian River Gas Company, states that it proposes to construct the facilities described in paragraph (d) of Plan I if and when the future market requirements necessitate the construction of the facilities described in paragraph (c) by Applicant, Colorado Interstate.

Applicant indicates that the facilities described under paragraphs (a) and (b) of Plan I will provide a capacity of 84 million cubic feet per day and that by constructing the extensions contemplated under paragraphs (c) and (d) together with additional horsepower at the Hugoton Field, a delivery capacity of 125 million cubic feet per day can be furnished.

Applicants assert that, by the addition of horsepower in the Texas field station and the construction of a line compressor station at Holly Junction, the facilities proposed to be constructed under Plan I may be adapted to provide 152 million cubic feet of delivery capacity; and that an ultimate maximum capacity of 179 million cubic feet for the proposed facilities could be reached by the future addition of horsepower in the Texas field station, an additional horsepower at Holly Junction, and the construction of two line stations on Colorado Interstate section of the line.

The application states, in the event Colorado Interstate is unable to obtain a satisfactory gas supply in the Hugoton Field, facilities under Plan II, paragraph (a), are proposed which would provide an increased capacity of 84 million cubic feet of gas per day; and that, by the subsequent installation of additional horsepower at the field station, and the addition of the three line compressor stations described, in paragraph (b), the ultimate delivery capacity can be made approximately that of Plan I.

Applicant, Colorado Interstate, states that because of the increased demands of consumers served by its customers, the growth of population, increase in housing construction, and other factors, the public convenience and necessity require the construction and operation of the proposed facilities.

The application further states that no definite financial arrangements have been made for the proposed facilities and construction; but that funds will be available in the form of bank or institutional loans at reasonable rates.

The application further states that the rates to be charged by Applicants will be those rates effective now or later to be filed with the Commission; and that it is not anticipated any immediate increase in rates will be required.

The application states that the cost to Colorado of the facilities proposed immediately to be constructed to increase the daily capacity by 84 million cubic feet will be $11,630,400 under Plan I and $10,307,800 under Plan II.

There will be no expenditures required by Canadian under Plan I until additional capacity is required. Under Plan II, however, Canadian will be required to make an immediate expenditure of $4,916,206.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of the Commission's rules of practice and procedure, and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter, and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with the reasons for such request.

Any person desiring to be heard or to make any protest with reference to the application of Colorado Interstate Gas Company and Canadian River Gas Company should file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LION M. FUQUAY,
Secretary.

[F. R. Doc. 47-299; Filed, Jan. 13, 1947; 8:46 a. m.]

[Docket No. G-684]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JANUARY 8, 1947.

Notice is hereby given that, on January 8, 1947, the Federal Power Commission issued its findings and order issuing certificate of public convenience and

necessity, entered January 7, 1947, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-300; Filed, Jan. 13, 1947; 8:47 a. m.]

[Docket No. G-755]

PANHANDLE EASTERN PIPE LINE CO.

NOTICE OF FINDINGS AND ORDER ISSUING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

JANUARY 8, 1947.

Notice is hereby given that, on January 8, 1947, the Federal Power Commission issued its findings and order issuing certificate of public convenience and necessity, entered January 7, 1947, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-301; Filed, Jan. 13, 1947; 8:47 a. m.]

[Docket No. IT-5992]

GULF STATES UTILITIES CO.

NOTICE OF ORDER DISMISSING APPLICATION FOR APPROVAL OF MAINTENANCE OF PERMANENT CONNECTION FOR EMERGENCY USE

JANUARY 9, 1947.

Notice is hereby given that, on January 8, 1947, the Federal Power Commission issued its order dismissing application for approval of maintenance of permanent connection for emergency use, entered January 7, 1947, in the above-designated matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 47-306; Filed, Jan. 13, 1947; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 54-132, 70-1149, 70-1150, and 70-1419]

ENGINEERS PUBLIC SERVICE CO. ET AL.

ORDER APPROVING AMENDED PLAN

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 8th day of January A. D. 1947.

In the matter of Engineers Public Service Company, File No. 54-132; El Paso Electric Company, File No. 70-1149; Gulf States Utilities Company, File No. 70-1150; Virginia Electric and Power Company, File No. 70-1419.

Engineers Public Service Company ("Engineers"), a registered holding company, having filed on September 10, 1945, an application pursuant to the provisions of section 11 (e) and other applicable sections of the Public Utility Holding Company Act of 1935 and the rules and regulations of the Commission promulgated thereunder, for approval of a plan of reorganization for the purpose of complying with the provisions of section 11 (b) (1) of the act and with orders of this Commission dated September 16, 1942, and October 6, 1942; and El Paso Electric Company ("El Paso"), Gulf States Utilities Company ("Gulf States") and Virginia Electric and Power Company ("Virginia"), having filed declarations pursuant to section 7 of said act for the purpose of facilitating the effectuation of such plan;

Public hearings having been held on the plan of reorganization and declarations filed pursuant to section 7 in consolidated proceedings after appropriate notice in which all interested persons were given opportunity to be heard, briefs having been filed and oral argument having been heard; and the Commission having on December 4, 1946, issued its findings and opinion stating that if within a period of 30 days from the date of said findings and opinion the plan were amended in accordance with the views expressed therein, an appropriate order approving said plan as so amended would be entered; and the applicants having filed on December 17, 1946 an amendment to the plan and amendments to the declarations filed pursuant to section 7 of the act; and the applicants having filed certain other amendments to said amended plan of reorganization and said declarations on December 31, 1946, January 2, 1947 and January 3, 1947;

Public hearings having been held on said amended plan and said amended declarations after appropriate notice in which all interested persons were given opportunity to be heard and oral argument having been heard;

The applicants having requested that the Commission enter an order finding that the proposed transactions are necessary to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, fair and equitable to the persons affected thereby, and that such order contain recitals in accordance with the requirements of sections 371 and 1808 (f) and Supplement R of the Internal Revenue Code, as amended; and having further requested the Commission to enter an order permitting said declarations, as amended, to become effective forthwith; and having also requested the Commission pursuant to section 11 (e) of the act, to apply to the appropriate United States District Court to enforce and carry out the terms of the amended plan of reorganization;

The Commission having considered the record and oral argument herein, and having on January 8, 1947 made and filed its supplemental findings and opinion herein; and

The Commission having found that the amended plan of reorganization is necessary to effectuate the provisions of section 11 (b) and is fair and equitable to the persons affected thereby and the Commission having further found that said declarations, as amended, should be permitted to become effective;

It is ordered, Pursuant to the applicable provisions of the act that the amended plan of reorganization be, and hereby is, approved, and that said declarations filed pursuant to section 7 be permitted to become effective, respectively, subject, however, to the conditions specified in Rule U-24 and subject to the following terms and conditions:

1. That jurisdiction be and it hereby is reserved to the Commission to approve, disapprove, modify, allocate or award from the estate of Engineers by further order or orders, all fees or other compensation and all remuneration or expenses claimed or hereafter claimed by any persons in connection with the amended plan, the transactions incident thereto and the consummation thereof;

2. That jurisdiction be and it hereby is reserved to the Commission to take such further action as the Commission may deem necessary or appropriate to effectuate the requirements of section 11 (b) of the act; and

3. That jurisdiction be and it hereby is reserved to the Commission to entertain such further proceedings, to make such supplemental findings and to take such further action as the Commission may deem appropriate in connection with the amended plan, the transactions incident thereto and the consummation thereof, and in the event such amended plan be not consummated, to enter such further orders as the Commission may deem appropriate under sections 11 (b), 11 (f) and 20 (a) of the act.

It is further ordered, That counsel for the Commission be, and they hereby are, authorized and directed to make application forthwith on behalf of the Commission to an appropriate United States District Court pursuant to the provisions of section 11 (e) and subsection (f) of section 18 of the act, to enforce and carry out the terms and provisions of the amended plan.

It is further ordered, That this order shall not be operative to authorize the consummation of any of the transactions proposed in the amended plan until an appropriate United States District Court shall, upon application thereto, enter an order enforcing such amended plan.

It is further ordered and recited, That all steps and transactions involved in the consummation of the amended plan, including particularly the issuances, transfers, exchanges, conveyances, expenditures, acquisitions, receipts, distributions and sales, hereinafter described and recited in subparagraphs I through VIII below, are necessary or appropriate to the integration and simplification of the Engineers Public Service Company holding company system and are necessary or appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, are hereby authorized, approved and directed; the stock and securities and other property which are ordered to be issued, exchanged, received, acquired, transferred, conveyed, distributed or sold upon such transactions, and the expenditures which are ordered to be made, being specified and itemized as follows:

I. (a) Engineers, except as recited below, will issue and distribute by mail to the holders of its common stock of record on a date to be specified by its Board of Directors, without the surrender by such stockholders of their certificates for Engineers common stock, warrants de-

scribed in the amended plan evidencing the right to acquire from Engineers 1,909,968 shares of common stock (reclassified) of Gulf States, on a share for share basis and on the terms hereinafter more particularly set forth.

(b) In cases where the addresses of the record holders of Engineers common stock are unknown or are outside the continental United States and Canada, such warrants will not be mailed, but will be held in the name of a Transfer Agent and will be issued and distributed upon instructions of said record owners, or their duly authorized agents, until the opening of business on the second business day before the expiration date of the warrant period, at which time all warrants so held with respect to which no such instructions have been received will be sold by Engineers, subject to the provisions of paragraph 9 of Division C of the amended plan and the pro rata shares of the aggregate net proceeds, if any, will be remitted to each holder of common stock of Engineers on whose behalf warrants are so sold, or, in cases where such remittance is not lawful or the addresses are unknown, held for the account of each such stockholder subject to payment upon receipt of lawful instructions. In cases where the Engineers common stockholder cannot be located and where no valid claim is made for such proceeds within a period of ten years from the effective date of the amended plan, such net proceeds will be paid to Gulf States.

II. Pursuant to the provisions of the above-mentioned warrants, Engineers will transfer and deliver Gulf States common stock to those persons who exercise said warrants before the expiration date thereof, and upon such exercise the holders of said warrants will either (1) pay Engineers $11.50 for each share of Gulf States common stock so acquired, or (2) deliver to Engineers in exchange for said Gulf States common stock whole shares of Engineers preferred stock on the basis of equivalent values, assigning $11.50 per share for each share of Gulf States common stock, and $105 plus accrued dividends to the expiration date of the warrant for each share of Engineers $5 preferred stock and $110 plus accrued dividends to the expiration date of the warrant for each share of Engineers $5.50 preferred stock and $6 preferred stock: *Provided,* That, on the basis of the relative values above stated, the value of the whole shares of Engineers preferred stock to be exchanged under the warrants will not exceed the value of the shares of Gulf States common stock which the warrant holder is entitled to and intends to acquire, and to the extent that the value of such shares of Engineers preferred stock exchanged for Gulf States common stock under said warrants is less than the value of such shares of Gulf States common stock to which the warrant holder is entitled and intends to acquire, the difference will be paid by the warrant holder to Engineers in cash.

III. Any of the 1,909,968 shares of Gulf States common stock not sold or exchanged upon exercise of the above-mentioned warrants will be sold by Engineers, subject to the provisions of paragraph 9 of Division C of the amended plan.

IV. Engineers will thereafter deposit in trust with a solvent bank or trust company for the benefit of its preferred stockholders an amount equal to $105 per share plus accrued dividends to the date of such deposit for each share of its $5 preferred stock, and $110 per share plus accrued dividends to the date of such deposit for each share of its $5.50 preferred stock and $6 preferred stock, not surrendered in exchange upon exercise of the above-mentioned warrants, in cancellation of all its preferred stock.

V. (a) Engineers will dissolve and, promptly thereafter, distribute pro rata to the holders of its common stock, without surrender by said holders of their certificates for common stock of Engineers:

(1) The entire 381,994 shares of El Paso common stock (reclassified) which will then be held by Engineers, on the basis of one-fifth of a share of El Paso common stock for each share of Engineers common stock held, and

(2) Approximately 94.4% (2,769,453 shares) of the common stock of Virginia, on the basis of 1.45 shares of Virginia common stock for each share of Engineers common stock held.

(b) In any case where the above proportions would result in a fraction of a share of common stock of either El Paso or Virginia, instead of fractional shares Engineers, through a Transfer Agent, will issue and distribute scrip, as described in the amended plan, exchangeable, when combined in lots aggregating one or more full shares of stock, for certificates for said shares, together with any dividends which shall have been paid in respect of such shares to stockholders of record on any date subsequent to the effective date of the amended plan and prior to the date of exchange.

(c) Upon surrender for exchange of such scrip aggregating one or more full shares of common stock of El Paso or Virginia, prior to the date of sale of such stock hereinafter referred to, said Transfer Agent will, in exchange for said scrip, deliver to the holder thereof a share or shares of such stock, together with any dividends which shall have been paid in respect of such shares to stockholders of record on any date subsequent to the effective date of the amended plan and prior to the date of exchange, and new scrip for any fraction in excess of a full share or shares.

(d) All shares of common stock of El Paso or Virginia reserved for delivery upon exchange of such scrip which shall not have been delivered in connection with such exchange within two years of the effective date of the amended plan will be sold by the Transfer Agent, subject to the provisions of paragraph 9 of Division C of the amended plan, and the Transfer Agent will distribute to the holders of scrip certificates not theretofore surrendered their proportionate part of the net proceeds of sale, plus their proportionate part of any dividends which shall have been declared to holders of record as of a date after the effective date of the amended plan and prior to the date of sale; except that in cases where the Engineers common stockholders cannot be located and where no valid claim is made for the net proceeds from the sale of said stock and the proportionate part of dividends referred to above within 10 years from the effective date of the amended plan, such net proceeds and proportionate part of dividends will be paid, with respect to net proceeds of El Paso stock and dividends, to El Paso, and with respect to net proceeds of Virginia stock and dividends, to Virginia.

(e) In cases where an Engineers common stockholder cannot be located and where no valid claim is made within 10 years from the effective date of the amended plan for the whole shares of El Paso or Virginia common stock distributable to such stockholder, such shares of stock will be returned to the issuing company for cancellation and the claims to dividends payable to holders of record of said shares after the effective date of the amended plan will be cancelled.

VI. Engineers will thereafter collect its assets and settle its debts and liabilities, and in connection therewith will, to the extent determined by its Board of Directors and subject to the provisions of paragraph 9 of Division C of the amended plan, sell and dispose of any or all of the assets not distributed as aforesaid, including all or any part of the Virginia common stock not theretofore distributed as above provided.

VII. After the final settlement of the affairs of Engineers and the payment of or provision for its debts and liabilities, it will distribute to its common stockholders its remaining assets, either in kind or in cash, in exchange for the certificates of Engineers common stock, and the Engineers common stockholders will surrender said certificates in exchange for such final distribution.

VIII. The foregoing transactions or any of them may be effected through and deliveries may be made to or through trustees, attorneys, transfer, exchange or other agents, or otherwise, and/or the stock and securities and other property may be delivered directly to those ultimately entitled thereto, all in any manner consistent with the Court order enforcing the amended plan and within the time limits, if any, specified in the amended plan or in said Court order.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-323; Filed, Jan. 14, 1947; 8:49 a. m.]

LAWRENCE R. LEEBY AND CO.

ORDER DIRECTING ADMISSION TO MEMBERSHIP IN NATIONAL SECURITIES ASSOCIATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 6th day of January A. D. 1947.

In the matter of the application of Lawrence R. Leeby, doing business as Lawrence R. Lebby & Co., for membership in the National Association of Securities Dealers, Inc.

The National Association of Securities Dealers, Inc., a national securities association registered pursuant to section 15A of the Securities Exchange Act of 1934, having disapproved an application for membership made to it by Lawrence R. Leeby, doing business as Lawrence R. Leeby & Co.;

Lawrence R. Leeby having filed an application pursuant to section 15A (b) (4) of that act for an order approving or directing his admission to membership in said Association;

A hearing having been held after appropriate notice, and the Commission being duly advised and having this day issued its findings and opinion herein;

It is ordered, On the basis of said findings and opinion, that the National Association of Securities Dealers, Inc. be and it hereby is directed to admit Lawrence R. Leeby to membership in said Association.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 47-326; Filed, Jan. 14, 1947; 8:49 a. m.]

[File Nos. 54-129 and 59-80]

KINGS COUNTY LIGHTING CO. AND LONG ISLAND LIGHTING CO.

ORDER APPROVING AMENDED PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 9th day of January 1947.

In the matters of Kings County Lighting Company, File No. 54-129; Kings County Lighting Company, Long Island Lighting Company, File No. 59-80.

Kings County Lighting Company ("Kings"), a subsidiary company of Long Island Lighting Company ("Long Island"), a registered holding company, having filed an amended plan of recapitalization pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 ("act"), such plan providing, in general, for the reduction of its capitalization so as to have outstanding $2,200,000 aggregate par value of a new 4% cumulative preferred stock and a new no par value common stock having an aggregate stated value of $2,200,000 and the distribution of such new stocks, plus cash, to the holders of its presently outstanding preferred and common stocks; and

The Commission having instituted proceedings under section 11 (b) (2) of the act with respect to Kings, and the two proceedings having been consolidated for purposes of hearing and disposition; and

The Commission having issued its notice of filing and order for hearing on said amended plan and on said proceeding instituted pursuant to section 11 (b) (2) of the act; and

Copies of said notice of filing and order for hearing and copies of said amended plan having been mailed to each of the holders of preferred and common stocks of Kings (insofar as the identity of such security holders was known and available), notice having been given to all interested persons, public hearings having been held, at which hearings security holders of Kings and other interested persons were afforded an opportunity to be heard and requests for specific findings, briefs and oral argument having been waived; and

The Commission having considered the record and on December 13, 1946 having issued its findings and opinion finding said amended plan to be necessary to effectuate the provisions of section 11 (b) of the act but finding, among other things, that the allocation proposed in the amended plan with respect to the new securities and cash was not fair and equitable as between the holders of the preferred stock as a class and the holders of the common stock as a class, nor as among the holders of the three series of preferred stock, and stating that such allocations were required to be modified in the manner indicated in said findings and opinion before the amended plan could be found to be fair and equitable; and

Kings having filed on January 8, 1947, an amendment to the amended plan containing the modifications suggested by the Commission in its findings and opinion of December 13, 1946, and requesting the Commission, pursuant to section 11 (e) of the act, to apply to a court in accordance with the provisions of subsection (f) of section 18 of the act to enforce and carry out the terms and provisions of the amended plan, as modified; and

Kings having requested that the Commission enter an order finding that the transactions proposed in the amended plan, as modified, are necessary and appropriate to effectuate the provisions of section 11 (b) of the act and necessary and appropriate to effectuate the simplification of the Long Island Lighting Company holding company system in which Kings is a majority owned subsidiary and fair and equitable to the persons affected thereby, and that the order conform to the pertinent requirements of section 1808 (f) of the Internal Revenue Code and of Supplement R of the Internal Revenue Code, including section 371 and section 373 (a) thereof, and contain the recitals, specifications and itemizations therein required;

It is found, in accordance with said findings and opinion dated December 13, 1946, that the amended plan, as modified, is fair and equitable to the persons affected thereby, and that the suggested recitals, specifications and itemizations are appropriate.

It is ordered, Pursuant to section 11 (e) and the other applicable provisions of the act, that the amended plan, as modified, be, and hereby is, approved, subject to the conditions specified in Rule U-24 and subject to the reservation of jurisdiction over the reasonableness and appropriate allocation of all fees and expenses incurred and to be incurred in connection with the amended plan, as modified.

It is further ordered, That jurisdiction be, and hereby is, reserved to the Commission to entertain such further proceedings, to make such supplemental findings, and to take such further action as it may deem appropriate in connection with the amended plan, as modified, the transactions incident thereto and the consummation thereof, and, in the event that the amended plan, as modified, is not consummated with reasonable promptness, to enter such further orders as it may deem appropriate under section 11 (b) (2) of the act without further proceedings.

It is further ordered, That counsel for the Commission be, and they hereby are, authorized and directed to make application forthwith on behalf of the Commission to an appropriate United States District Court pursuant to the provisions of section 11 (e) and in accordance with subsection (f) of section 18 of the act, to enforce and carry out the terms and provisions of the amended plan, as modified.

It is further ordered, That this order shall not be operative to authorize the consummation of the transactions proposed in the amended plan, as modified, until an appropriate United States District Court shall, upon application thereto, enter an order enforcing said amended plan, as modified.

It is further ordered, That Long Island shall divest itself of all its interest in the new common stock of Kings to be acquired by it within one year following acquisition thereof, or within such longer period (not to exceed one additional year) as may be permitted for good cause pursuant to section 11 (c) of the act.

It is further ordered, And recited pursuant to and in exercise of the power and authority vested in the Commission by section 11 (b) of the Public Utility Holding Company Act of 1935, that the steps and transactions involved in the consummation of the amended plan, as modified, and recited in paragraphs 1 through 8 set forth below, are necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935 and are necessary and appropriate to effectuate the simplification of the Long Island Lighting Company holding company system in which Kings County Lighting Company is a majority owned subsidiary and fair and equitable to the persons affected thereby, and are hereby authorized, approved and directed; the steps and transactions which are hereby ordered, being specified and itemized as follows:

1. The issuance by Kings County Lighting Company of 44,000 shares of new 4% Preferred Capital Stock with a par value of $50 per share and with other rights and terms as set forth in the amended plan, as modified.

2. The issuance by Kings County Lighting Company of 440,000 shares of new Common Capital Stock without par value but with a value for capital purposes of $5 per share and in accordance with the terms set forth in the amended plan, as modified.

3. The distribution by Kings County Lighting Company of $194,871 in cash.

4. The transfer to Kings County Lighting Company, and the exchange by the present holders of the old Series B 7% Preferred Capital Stock of their stock for cash and securities upon the following

basis: One share of old Series B 7% Preferred Capital Stock for one share of new 4% Preferred Capital Stock with a par value of $50 and 11 shares of new Common Capital Stock without par value and $9 in cash.

5. The transfer to Kings County Lighting Company and the exchange by the present holders of the old Series C 6% Preferred Capital Stock of their stock for cash and securities upon the following basis: One share of old Series C 6% Preferred Capital Stock for one share of new 4% Preferred Capital Stock with a par value of $50 and 9.2285+ shares of the new Common Capital Stock without par value and $8 in cash.

6. The transfer to Kings County Lighting Company and the exchange by the present holders of the old Series D 5% Preferred Capital Stock of their stock for cash and securities upon the following basis: One share of old Series D 5% Preferred Capital Stock for one share of new 4% Preferred Capital Stock with a par value of $50 and 8 shares of new Common Capital Stock without par value and $1 in cash.

7. The transfer to Kings County Lighting Company and the exchange by the present holders of the old Common Stock of their stock for securities upon the following basis: One share of old Common Stock for $^{6}\%_{100}$ shares of the new Common Stock without par value but with a value for capital purposes of $5 per share.

8. The cancellation by Kings County Lighting Company of all of the old Series B 7% Preferred Capital Stock, old Series C 6% Preferred Capital Stock, old Series D 5% Preferred Capital Stock and old Common Stock received by Kings County Lighting Company from its stockholders pursuant to the transfers and exchanges listed in paragraphs 4 to 7 set forth above.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 47-327; Filed, Jan. 14, 1947; 8:48 a. m.]